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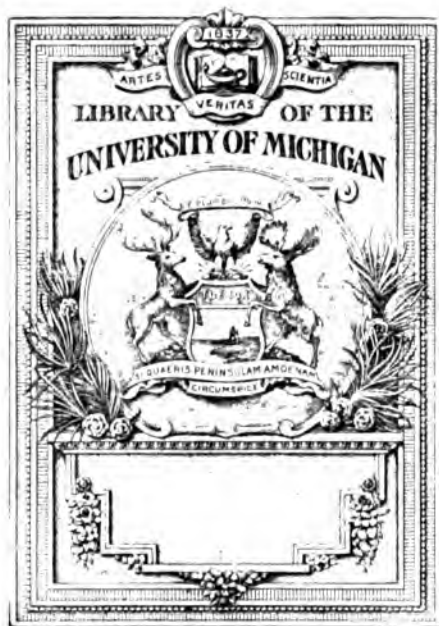




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ANNUAL REPORT

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OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1898.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1899.

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LETTER OF TRANSMITTAL.

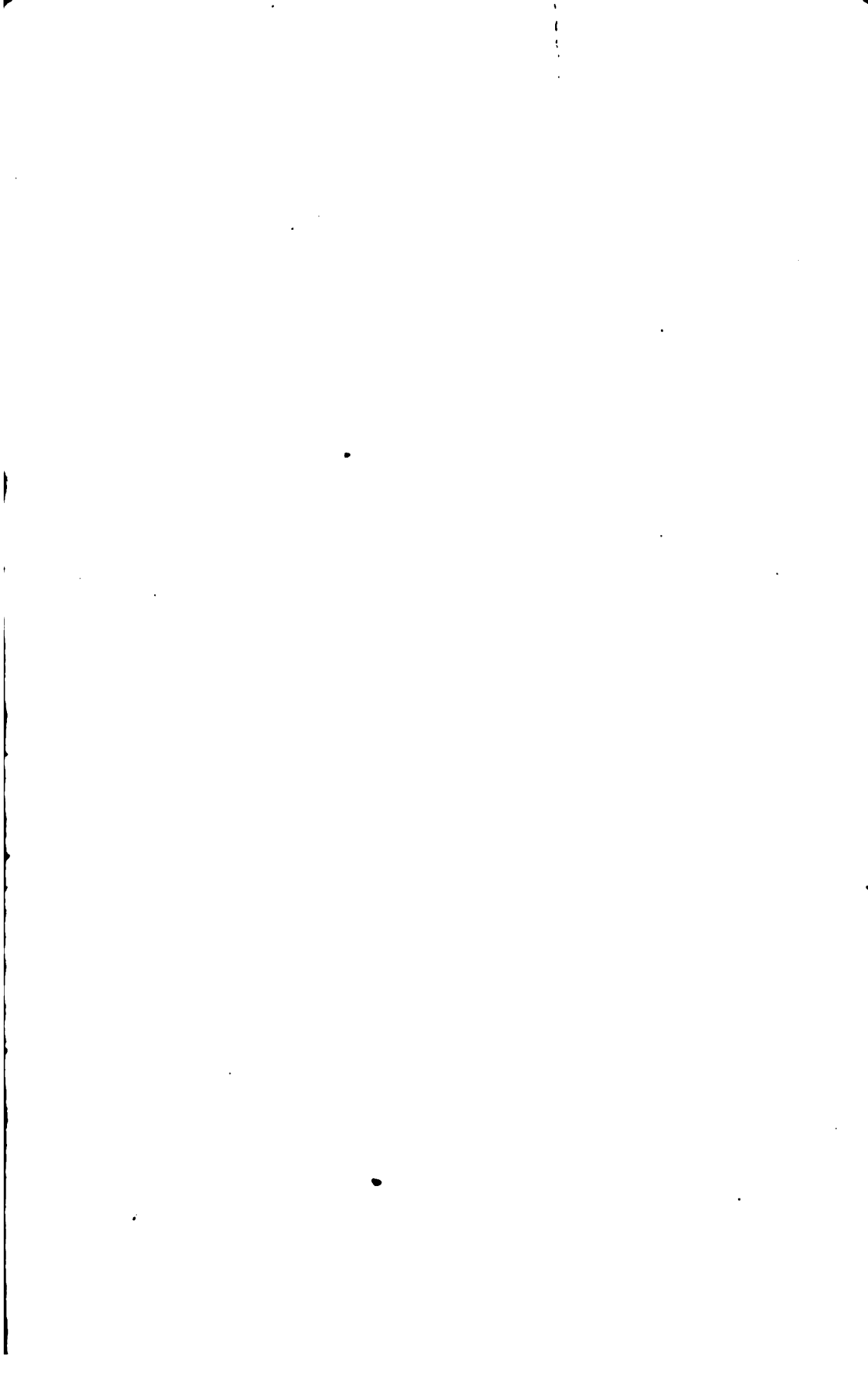
AMERICAN HISTORICAL ASSOCIATION,  
*Washington, D. C., April 18, 1899.*

SIR: I have the honor to transmit herewith a general report of the proceedings of the American Historical Association at their fourteenth annual meeting, held in New Haven, Conn., December 28-30, 1898. Some of the papers there read and discussed have been elsewhere printed. For example, the report of the committee of seven on "The study of history in schools" was accepted for publication by the Macmillan Company, though this is included in the present report as a matter of great importance. Prof. George F. Burr's report on "The search for the Venezuela-Guiana Boundary" was printed in the *American Historical Review*, April, 1899; so also was Prof. William M. Sloane's article on "Napoleon's plans for French colonies in Spanish America." Other papers that were actually read and some that were presented by title are herewith submitted, together with the third report of the Historical Manuscripts Commission. Among things done by the Association at their New Haven meeting were: (1) The adoption of the *American Historical Review*, a quarterly magazine, now published by the Macmillan Company, and now sent free of charge to all members of the Association; (2) the appointment of a commission of five for the historical study of colonies and dependencies; (3) the institution of a general committee to represent the local and State historical interests of the Association; (4) an agreement to hold annual meetings in triennial succession in the East, West, and District of Columbia.

Respectfully,

HEEBERT B. ADAMS,  
*Secretary.*

Mr. S. P. LANGLEY,  
*Secretary of the Smithsonian Institution.*



AMERICAN HISTORICAL ASSOCIATION.

Organized at Saratoga, N. Y., September 10, 1884.

OFFICERS FOR 1899.

President:

JAMES FORD RHODES, LL. D.,  
*Boston, Mass.*

Vice-Presidents:

EDWARD EGGLESTON,  
*New York City.*

MOSES COIT TYLER, L. H. D., LL. D.,  
*Professor, Cornell University.*

Secretary:

HERBERT B. ADAMS, Ph. D., LL. D.,  
*Professor, Johns Hopkins University, Baltimore, Md.*

Assistant Secretary and Curator:

A. HOWARD CLARK,  
*Custodian of Section of American History, Smithsonian Institution,  
Washington, D. C.*

Treasurer:

CLARENCE W. BOWEN, Ph. D.,  
*150 Fulton street, New York City.*

Secretary Church History Section:

SAMUEL MACAULEY JACKSON, D. D., LL. D.,  
*692 West End avenue, New York City.*

Executive Council:

(In addition to the above-named officers),

Hon. ANDREW D. WHITE, L. H. D., LL. D.,  
*Ithaca, N. Y.*

CHARLES KENDALL ADAMS, LL. D.,  
*President of the University of Wisconsin.*

Hon. WILLIAM WIRT HENRY, LL. D.,  
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*Worcester, Mass.*

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GEORGE P. FISHER, D. D., LL. D.,  
*Professor, Yale University.*

H. MORSE STEPHENS, A. M.,  
*Professor, Cornell University.*

FREDERICK J. TURNER, Ph. D.,  
*Professor, University of Wisconsin.*

ALBERT B. HART, Ph. D.,  
*Professor, Harvard University.*

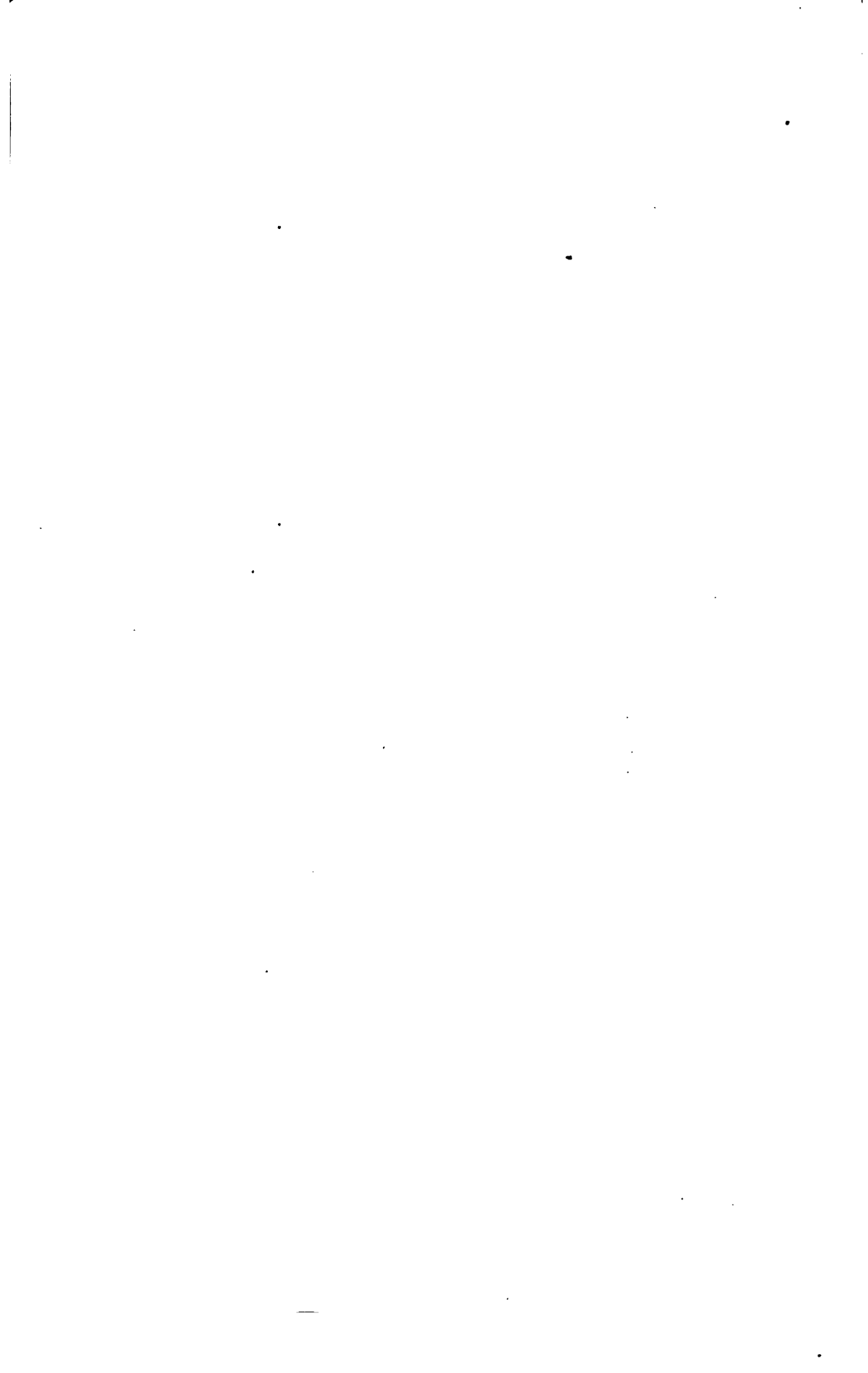
Hon. MELVILLE W. FULLER,  
*Chief Justice of the United States, Washington, D. C.*

GEORGE B. ADAMS, Ph. D.,  
*Professor, Yale University.*

A. C. McLAUGHLIN, A. M.,  
*Professor, University of Michigan.*

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I.—REPORT OF PROCEEDINGS OF FOURTEENTH ANNUAL MEETING  
OF THE AMERICAN HISTORICAL ASSOCIATION.

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NEW HAVEN, CONNECTICUT, DECEMBER 28-30, 1898.

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## REPORT OF THE PROCEEDINGS OF FOURTEENTH ANNUAL MEETING OF THE AMERICAN HISTORICAL ASSOCIATION.

By HERBERT B. ADAMS, Secretary.

The New Haven meeting of this national historical society was the most successful in its history. During the three days' convention, December 28-30, the morning and evening sessions were attended by large and enthusiastic audiences. An attractive series of interesting historical papers and reports was provided by the programme committee, of which Prof. E. G. Bourne, of Yale University, was the chairman. The local committee of arrangements did all that was possible for the entertainment and pleasure of the visiting members of the American Historical and American Economic associations. As occasionally in former years, so now these two kindred societies met at the same time, in the same city.

The opening meeting of the Economic Association was held Tuesday evening, December 27, in the beautiful and spacious hall of the New Haven Colony Historical Society. After a cordial welcome from President Dwight, on behalf of the society, the city, and the university, and after the inaugural address by Prof. Arthur T. Hadley, the visiting members of both associations were pleasantly received by Professor and Mrs. Henry W. Farnam at their house on Hillhouse avenue. After Professor Fisher's inaugural address Wednesday evening, at the opening of the Historical convention in Colonial Hall, both associations were received by the Historical Society in their lower rooms, which are nobly furnished with historical memorials of New Haven Colony and with portraits of its famous men. Not even Pilgrim Hall in old Plymouth could afford a richer or more suggestive environment for historical meetings, social and literary, than does the Colonial Hall in New Haven.

<sup>1</sup> Report of the New Haven meeting, by Dr. J. F. Jameson, was published in the American Historical Review, April, 1899. Prof. A. B. Hart contributed to Book Reviews (Macmillan & Co.) for February, 1899, an account of the growth and purposes of the American Historical Association.

The literary feature of the fourteenth annual meeting of the American Historical Association was President Fisher's address. He avoided burning questions of the day, and spoke of the historian, not as a politician, an economist, or a sociologist, but as a judge of the personal characteristics and merits of men and women who have participated in the world's great drama. This chosen field afforded a rare opportunity for a wide and fascinating review of human character as illustrated in human deeds which form the substance, the very life of history. Professor Fisher quoted the late Professor Gurney, of Harvard University, who, when offered at Cambridge one of two college departments, history or philosophy, chose the first because, as he said, he preferred intercourse with persons to a life spent amid abstractions. Even for the sake of divine philosophy, of which he was extremely fond, he could not part company with the men and women whom history calls back to life.

The educational feature of the programme was, beyond all question, the report of Prof. A. C. McLaughlin, chairman of the committee of seven on the study of history in secondary schools. This committee was appointed two years ago by the association and has labored hard to solve the vexed problem of college entrance requirements in history, and to promote historical study in all secondary schools, a far more comprehensive and important matter. After careful inquiries in this country and in the schools of England, France, and Germany, the committee has practically completed its report, and it will probably be published in the spring. Professor McLaughlin discussed the educational value of history and its place in the curriculum, the proposed division of history into four blocks, each requiring one year of school work: (1) Ancient, including (very briefly) Oriental history and the early medieval period down to 800 A. D.; (2) later medieval and modern European history; (3) English history, including its continental and imperial relations; (4) American history, supplemented by civil government. The report discusses in detail the methods of treating these four great divisions of human history, the best methods of instruction, and the training of teachers. It was shown that the primary aim of secondary schools is not preparation for college, but preparation for life. Public schools are already outrunning college requirements in history, and the time is soon coming when a knowledge of man's experience in

civil society will need to be recognized at least on terms of equality with the classics and mathematics. If colleges do not discern the signs of the times and the requirements of American citizens and civic leaders, so much the worse will it be for the colleges and their graduates.

A pleasant feature of Thursday morning's session was the extempore address of the Rev. Dr. William Cunningham, of Trinity College, Cambridge, England, an eminent authority on English social and economic history. He said it would be impossible anywhere in England to gather such an assemblage of historians and economists, specialists and teachers, as he had seen in New Haven. And yet, he said, it ought to be easier in England than in America to awaken public interest in historical and economic matters. English teachers and students are surrounded by reminders of the past, and yet it is very difficult in England to quicken historical interest even in secondary schools. Questions regarding the present and the future seem to absorb English attention. Englishmen meet each difficulty as it arises. Dr. Cunningham commended the American spirit, which is manifestly becoming truly historical in its methods of dealing with great public questions. America is a country most congenial to historians and very encouraging to historico-economic pursuits.

The treasurer's report was especially gratifying to the association from an historico-economic point of view. It was shown that the present assets of the association are \$11,539, an increase of about \$1,500 during the past year. In fact, the good financial condition of the association has enabled it to undertake some very important functions. For example, the historical manuscript commission is now receiving an annual subsidy for the purpose of securing and copying for publication original historical materials. Two special reports by this commission have already been published in connection with the annual report of the association. Prof. J. F. Jameson, chairman of the commission, outlined its future projects, especially the plan of printing the letters of John C. Calhoun.

The most important financial step taken at the New Haven meeting was the formal adoption of the American Historical Review, already for some years edited by Dr. Jameson and other members of the association. This step means an annual subsidy to the editors and publishers and the regular supply to every one of the twelve hundred members of the association

of this handsome quarterly magazine, the best organ of American history and of history in America.

There were various interesting papers and discussions on historical subjects: European, American, diplomatic, ecclesiastical, colonial, institutional, and constitutional. Some of them are printed in this report. By general consensus, the New Haven meeting was the best on record. In fact, it was the pronounced success of an historical convention under the auspices of Yale University that decided the Executive Council to vote for Boston and Harvard University as the rallying points for the Association's numerous historical clans from Maine to California, in Christmas week, 1899. With this intent the association elected for its next president the eminent historian, James F. Rhodes, LL.D., of Boston, and appointed as chairman of the programme committee Prof. A. B. Hart, of Cambridge. Prof. M. C. Tyler, of Cornell University, was chosen second vice-president. Prof. George B. Adams, of Yale, and Prof. A. C. McLaughlin, of Ann Arbor, were added to the Executive Council. This body also elected this worthy representative of the University of Michigan to the vacancy on the board of editors of *The American Historical Review*. Dr. Herbert Friedenwald, superintendent of the department of manuscripts in the Library of Congress, was added to the Manuscripts Commission of the Historical Association.

By formal vote the Executive Council declared for the manifest policy of another meeting of the Association in the East, then in the West, at Detroit and Ann Arbor, in 1900, with a return in 1901 to Washington, where this national society was incorporated by act of Congress and made a Government institution in organic relations with the Smithsonian, to which it annually reports.

#### VOTED BY THE ASSOCIATION.

(1) That an amount not to exceed \$1,000 be appropriated by the American Historical Association to help defray the expenses of the *American Historical Review* from July 1, 1898, to January 1, 1899, with the understanding that the October, 1898, and the January, 1899, numbers of the *Review* be sent to the members of the American Historical Association.

(2) That Article IV of the constitution of the American Historical Association be amended so that the Executive Council, in addition to the regular officers of the Association, shall include six other members elected by the Association with its ex-presidents, the number "six" being substituted for "four."

(3) The appointment of a Committee of Five on the award of the "Justin Winsor Prize," namely: Prof. F. J. Turner, University of Wisconsin; Prof. H. L. Osgood, Columbia University; Prof. C. M. Andrews, Bryn Mawr College; Prof. E. P. Cheyney, University of Pennsylvania, and Prof. W. M. West, University of Minnesota.

(4) The appointment of a Commission of Five on the Historical Study of Colonies and Dependencies: Prof. H. E. Bourne, Western Reserve University, chairman; Prof. H. Morse Stephens, Cornell University; Prof. George M. Wrong, Toronto University; Prof. Bernard Moses, University of California, and Prof. F. Wells Williams, Yale University.

(5) That the Association approves the general principles of the report on the Study of History in Secondary Schools as stated in the report of the chairman, Prof. A. C. McLaughlin.

(6) Authorization of a General Committee on the local and State historical interests of the Association, the selection being intrusted to Profs. A. B. Hart and H. B. Adams.

(7) Institution of a Bibliographical Committee to advise the Executive Council and to cooperate with the American Library Association upon matters of bibliographical interest: A. Howard Clark, assistant secretary of the American Historical Association; Reuben G. Thwaites, superintendent State Historical Society of Wisconsin; William E. Foster, librarian Providence Public Library; J. N. Larned, of Buffalo, N. Y., and George Iles, of New York City.

VOTED BY THE EXECUTIVE COUNCIL.

(1) That the Committee of Seven shall be authorized to continue its functions and to make further report at the next annual meeting of the Association.

(2) That the Committee of Seven have leave to add to its members if it deem necessary.

(3) That the Committee of Seven have leave to report in detail to the committee of the National Educational Association.

(4) That the council recommend to the Association to meet during the Christmas holidays, from Wednesday to Friday, in 1899 in Boston, in 1900 in Detroit, in 1901 in Washington, D. C.

(5) That after 1901 meetings should be held in the East, West, and Washington in triennial succession.

RESOLUTION.

*Resolved*, That the American Historical Association desires to extend its thanks for the many courtesies which have so greatly enhanced the effectiveness and enjoyment of its meeting in New Haven.

The Association is grateful to the local committee, and especially to Profs. H. W. Farnum and E. G. Bourne, to whose labors in perfecting arrangements the success of the convention has been largely due. Special thanks are offered to the New Haven Colony Historical Society, to the Graduates' Club, to Prof. and Mrs. H. W. Farnum, and to Prof. G. P. Fisher we are also indebted for the gracious hospitality.

DANA C. MUNRO, *Chairman*.

HENRY E. BOURNE.

## PRESENT ACTIVITIES OF THE ASSOCIATION.

The following list enumerates the present leading activities of the American Historical Association:

(1) The annual meeting of the Association held during the Christmas holidays in the East or the West or the District of Columbia in triennial succession.

(2) The Annual Report of the Secretary of the Association concerning the annual meeting and its proceedings, with the papers, bibliographies, and other historical materials submitted through the Secretary of the Smithsonian Institution for publication by Congress.

(3) The Historical Manuscripts Commission of five members, established in 1895, and now receiving from the Association a subsidy of \$500 a year for the collection and editing of important manuscripts. At present the commission is thus organized: Prof. J. F. Jameson, Brown University, chairman; Prof. F. J. Turner, University of Wisconsin; Prof. William P. Trent, University of the South; James Bain, jr., Toronto Public Library; and Dr. Herbert Friedenwald, superintendent of manuscripts department, Library of Congress.

(4) The preservation of historical exchanges, books, pamphlets, reports, and papers of the Association in the National Museum at Washington, D. C., in the keeping of Mr. A. Howard Clark, assistant secretary of the Association and curator of the historical collections.

(5) The Committee of Seven, established in 1896, for promoting the Study of History in Secondary Schools.

(6) A general committee, representing the local and State historical interests of the Association. This committee is being gradually appointed by authority of the Executive Council. The list will be announced later.

(7) The "Justin Winsor Prize" of \$100 for the best unpublished monographic work, based upon original investigation in American history. This prize has been awarded only once, and then in the year 1896 to Prof. Herman V. Ames, a graduate of Amherst College and a doctor of philosophy of Harvard University. (For Committee on Award of Winsor Prize, see Votes of the Association.)

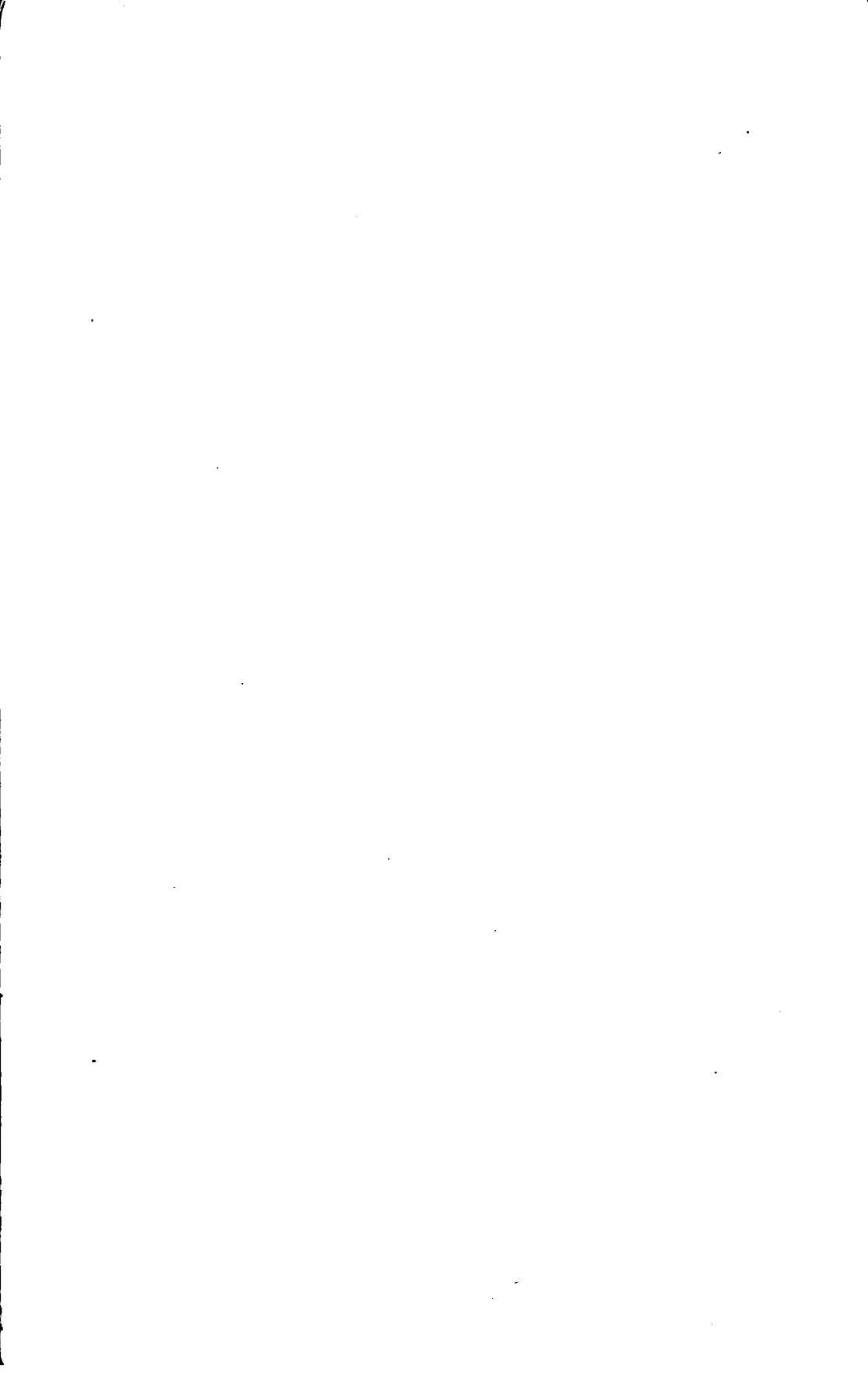
(8) The Church History Section, which continues the work of the American Society of Church History, was originally an institutional offshoot of the American Historical Association in 1888, but, in 1896, it became an organic part of the Association, with Dr. Samuel Macauley Jackson as secretary of the section.

(9) A Commission of Five for the Historical Study of Colonies and Dependencies. This commission is organized as follows: Prof. Henry E. Bourne, Western Reserve University, chairman; Prof. H. Morse Stephens, Cornell University; Prof. George M. Wrong, Toronto University; Prof. F. Wells Williams, Yale University; and Prof. Bernard Moses, University of California.

(10) The American Historical Review, published quarterly, and now subsidized by the American Historical Association, whose Executive Council will henceforth fill vacancies in the board of editors.

II.—REPORT OF THE TREASURER—LIST OF COMMITTEES.





REPORT OF TREASURER.

*The American Historical Association in account with Clarence W. Bowen, treasurer.*

1898.		1897.		
Jan. 2	To paid treasurer's clerk, voucher 1.....	\$200.00	Dec. 27	By balance, cash on hand.....
Dec. 27	stationery, printing and postage for treasurer and secretary, vouchers 2, 4, 6, 11, 12, 14, 18, 21, 22, 23, 26, 30, 31.....	265.18	Dec. 27	1,029 annual dues at \$3.....
	committee on study of history in secondary schools, vouchers 3, 13.....	366.05		34 life members, \$50.....
	historical manuscripts commission, vouchers 16, 25, 29.....	500.00	Apr. 20	rebate of tax on bank stocks.....
	American Historical Review, vouchers 27, 28, 32.....	534.50		sales of publications.....
	Public Printer, vouchers 7, 8, 33.....	271.88		sale of 12 shares American Exchange National Bank stock interest on bond and mortgage.....
	Tiffany & Co., life members' certificates, voucher 19.....	593.50		
	expenses last annual meeting, voucher 5.....	37.29		
	secretary's clerk hire, vouchers 15, 20.....	180.00		
	assistant secretary's clerk hire, vouchers 9, 17, 24.....	222.75		
	auctioneer's fee, advertising, voucher 10.....	2.00		
Apr. 19	bond and mortgage.....	2,500.00		
	Balance, cash on hand.....	844.63		
		6,487.78	1898.	Dec. 27
				By balance, cash on hand.....
				844.63
				6,487.78

During the year your treasurer, upon the advice of the finance committee, sold 12 shares of American Exchange National Bank stock and with the proceeds and some cash from the treasury loaned \$2,500 on bond and mortgage upon the same property as that covered by the bond and mortgage previously held by the association.  
 The assets of the association are: 10 shares of National Bank of Commerce of New York, \$2,080; 5 shares of the Bank of New York, N. B. A., \$1,115; bond and mortgage, \$7,500, drawing 5 per cent interest, and cash on hand, \$844.63. Total assets, \$11,539.63, an increase during the year of \$1,500. Respectfully submitted,

CLARENCE W. BOWEN, Treasurer.

The undersigned auditing committee have examined the foregoing account of the treasurer, with the accompanying vouchers, and find the same to be correct. Satisfactory evidence of ownership of the assets of the association as stated in his report have also been submitted to our inspection.

NEW HAVEN, December 29, 1898.  
 A. MCF. DAVIS.  
 R. G. THWAITES.

## LIST OF COMMITTEES, 1898-99.

1. *Auditing committee:* A. McFarland Davis and Reuben G. Thwaites.
2. *Finance:* Hon. John A. King and E. W. Blatchford.
3. *Nominations:* A. L. Lowell, R. G. Thwaites, and Prof. W. P. Trent.
4. *Time and place of next meeting:* Executive council.
5. *Programme:* Prof. A. B. Hart, Prof. Wm. A. Dunning, Prof. C. H. Haskins, Prof. H. E. Bourne, Prof. H. B. Adams.
6. *Resolutions:* Prof. H. E. Bourne and Prof. Dana C. Munroe.

## OFFICERS FOR 1898-99.

*President:* James Ford Rhodes, LL. D., Boston, Mass.

*Vice-Presidents:* Edward Eggleston, New York City; Moses Coit Tyler, L. H. D., LL. D., Cornell University.

*Secretary:* Herbert B. Adams, Ph. D., LL. D., Johns Hopkins University.

*Assistant secretary and curator:* A. Howard Clark, Smithsonian Institution, Washington, D. C.

*Treasurer:* Clarence W. Bowen, Ph. D., 130 Fulton street, New York City.

*Secretary of church history section:* Samuel Macauley Jackson, D. D., LL. D., 692 West End avenue, New York City.

*Executive council* (in addition to the above-named officers): Hon. Andrew D. White, L. H. D., LL. D., Ithaca, N. Y.; Charles Kendall Adams, LL. D., president University of Wisconsin; Hon. William Wirt Henry, LL. D., Richmond, Va.; James B. Angell, LL. D., president University of Michigan; Henry Adams, Washington, D. C.; Hon. George F. Hoar, LL. D., Worcester, Mass.; Richard S. Storrs, D. D., LL. D., Brooklyn, N. Y.; James Schouler, LL. D., Boston, Mass.; George P. Fisher, D. D., LL. D., Yale University; Prof. H. Morse Stephens, Cornell University; Prof. Frederick J. Turner, University of Wisconsin; Prof. Albert Bushnell Hart, Harvard University; Chief Justice Melville W. Fuller, Washington, D. C.; Prof. George B. Adams, Yale University; Prof. A. C. McLaughlin, University of Michigan.

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III.—INAUGURAL ADDRESS.

By the President, **GEORGE PARK FISHER, D. D., LL. D.,**  
**TITUS STREET PROFESSOR OF ECCLESIASTICAL**  
**HISTORY IN YALE UNIVERSITY.**

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## THE FUNCTION OF THE HISTORIAN AS A JUDGE OF HISTORIC PERSONS.

By the President, GEORGE PARK FISHER, D. D., LL. D.

At the outset, I wish to express my thanks to the Historical Association for the honor conferred on me by my election as its president.

On casting about for a topic on which to address you, my first impulse was to take up, in its historical relations, a question as to our national polity, which has arisen out of the recent war and its results. But on reflection it occurred to me that a respite of an hour from present controversies might not be unwelcome. Accordingly I have chosen a theme which I trust will not prove unattractive, albeit not connected with the "burning questions" of the day.

My subject is, the historian as called to pass judgment on historical persons; in other words, the historian in his character as a judge of personal characteristics and merits. It will be agreed, at least not many will demur to the statement, that personal character and action constitute one of the principal charms of historical narratives. A scholar who was honored by all who knew him for his rare attainments coupled with genuine modesty—I refer to the late Professor Gurney of Cambridge—said to me that when he was offered at Harvard the choice between the departments of history and philosophy, he chose the chair of history, for the reason, as he explained, that he preferred the intercourse with persons to a life spent among abstractions. He was an adept in metaphysical studies, and held them in high esteem. But he could not make up his mind to sacrifice that delight which the converse with persons affords to the historical student. He was not willing to part company with the men and women whom history calls back to life. It is, indeed, an aspect of history which by some is

regarded with a degree of disdain. Herbert Spencer somewhere adverts to the labor spent in the inquiry whether Mary Queen of Scots was privy to the murder of Darnley, as an example of waste of time on questions of trifling importance. That view would be just were it true that nothing in the past deserves attention except the growth of that impersonal being called "society." To be sure, the progress of society, the rise and development of institutions, is a subject of prime interest. Biography is so far distinct from history that many details proper to the one have no place in the other. Moreover, it has become clear that individuals, however conspicuous, are, up to a limit, the product of their times. But there *is* a limit. It is likewise true that an initiative agency belongs to the leaders of men. It is an extreme theory that relegates them exclusively to the category of effects. Human beings are not automatons. Especially are signal epochs in history, turning points, marked by a rallying about persons. From them goes forth a creative energy, inspiring and guiding their fellows. Let sociology, the philosophy of history, be rated at its full value. In the drama of human affairs there is an endless appeal to psychological curiosity, a constant stimulus to poetic feeling. And so even such a tragedy as that in which Mary of Scotland bore a part will always enlist human sympathy, and impel to researches having for their object to solve the questions in doubt. It is a dry-as-dust theory that would drive out these inquiries from the domain of history.

It is one office of the historian to weigh in the scales of justice the merits of historic persons. It belongs to him to gauge the qualities of the men and women who act their parts on the public stage. When Schiller wrote "*Die Weltgeschichte ist das Weltgericht*,"<sup>1</sup> all that the poet meant was that the hopes of the hereafter are of themselves an adequate reward for one who repels the allurements of sense, even should these hopes turn out to be illusive. But the phrase of Schiller is an apt expression of another idea. It will serve to describe the office that history performs in calling to her bar the men whose career she passes in review. Surely it is a most responsible office. For do we not owe to the dead the same measure of justice that we owe to the living? Shall not the departed, if we speak of them at all, be righteously dealt with?

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<sup>1</sup> In the poem, "Resignation."

One thing fitted to remind a historian of his responsibility in assuming the office of a judge is a glance at the discordance among those who discharge this function—a conflict often so marked as to partake of a humorous element. An instance or two, the first that occur to me, will illustrate this remark. Carlyle winds up his estimate of Oliver Cromwell in these words:

A great light, one of our few authentic solar luminaries, going down now amid the clouds of death. Like the setting of a great victorious summer sun; its course now finished. \* \* \* Here is a life battle nobly done. \* \* \* Blessed are the dead that die in the Lord; blessed are the valiant that have lived in the Lord.<sup>1</sup>

Now hear how Clarendon closes *his* estimate of Cromwell:

In a word, as he had all the wickedness for which damnation is denounced and for which hell-fire is prepared, so he had some virtues which have caused the memory of some men in all ages to be celebrated; and he will be looked upon by posterity as a brave, bad man.<sup>2</sup>

All know how this prophecy has been verified. One more example of contradictory verdicts. Mr. Froude, at the end of his account of King Henry VIII, while not denying that he had serious faults, assures us that "far deeper blemishes would be but as scars upon the features of a sovereign who, in trying times, sustained nobly the honor of the English name, and carried the Commonwealth securely through the hardest crisis in its history."<sup>3</sup> The monarch whom the historian praises in this fashion is characterized by Macaulay as a "king whose character may be best described by saying that he was despotism itself personified;" and contrast Mr. Froude's encomium with the words of Sir James Mackintosh, who, after relating the executions of More and Anne Boleyn, calmly observes:

In these two direful deeds Henry approached, perhaps, as near to the ideal standard of perfect wickedness as the infirmities of human nature will allow.<sup>4</sup>

We have nowadays two safeguards against the misjudgment of persons that give us an advantage over writers in the past. It is possible to find out a great deal more about historical personages than it was formerly. The opening of archives with treasures of information which have been hitherto locked up,

<sup>1</sup> Cromwell's Letters and Speeches (Am. ed.), pp. 406, 409.

<sup>2</sup> History of the Rebellion (ed. Macray), Vol. VI, p. 97.

<sup>3</sup> History of England, Vol. IV, p. 492.

<sup>4</sup> Ibid., Vol. II, C. VII.



the publication of letters and of documents of every sort in private hands, pour a flood of light in cases where only defective knowledge was once possible. Along with this invaluable gain, the sense of obligation to spare no labor in efforts to get at the truth is proportionately increased. At present, no author with an ability approaching that of Hume would think of being deterred, as he was, by sheer indolence from rising from his chair to consult the authorities on his shelves, if not literally within reach. But of course no amount of investigation will answer if there be wanting a spirit of fairness. In this particular we may take credit on the whole for a marked advance. Certainly the number of dispassionate students, who are in quest of truth alone, is larger now than it ever was before. Yet it is pleasant to remember that Thucydides, writing in so remote a time, is, in this respect as well as in so many others, a model. Grote maintains that he was in fault for not preventing Amphipolis from being captured by the Spartans. He argues that Thucydides was too slow in coming to its relief.<sup>1</sup> I once asked a profound scholar, the late President Woolsey, for his opinion on this question. He answered, "I have such confidence in the absolute truthfulness of Thucydides that, were he really chargeable with fault, as Grote alleges, I believe he would have avowed it." It is pleasant to read the more recent comment of Professor Jebb on this passage in the life of the prince of historians:

There is some presumptive evidence of carelessness; but we can hardly say more than that. The absence of Thucydides from the neighborhood of Amphipolis at the precise juncture may have had some better excuse than now appears.<sup>2</sup>

Let me now call to mind certain distinct influences of a misleading nature, influences that may operate to deceive or pervert the judgment of the historian. The first that it occurs to me to mention is the instinct of hero worship. Fascination, whether exerted by man or woman, carries in it a power of illusion. It is liable to exaggerate merits and to hide defects and to invest the object admired with unreal charms. Great men, like grand objects in nature, excite the imagination. They thrill the spectator like the pyramids and majestic cathedrals reared by human art. "Hero" is a word that meant, or came to mean, among the Greeks, a semidivine

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<sup>1</sup>History of Greece (Am. ed.), Vol. VI, p. 409, sq.

<sup>2</sup>Encycl. Brit., Vol. XXIII, p. 324.

personage. Prometheus was a discrowned god. Hercules, the typical hero of antiquity, was the son of Zeus. When Pallas sent Diomed into battle,

“ \* \* \* upon his head  
And shield she caused a constant flame to play,  
Like to the autumnal star, that shines in heaven  
Most brightly when new bathed in ocean's tides.”

—Iliad, b. v.

There is a joy in unstinted admiration. It culminates in worship. For what is worship but admiration rising almost to ecstasy? We yearn for the heroic, and we are ever, even if unconsciously, in quest of it. Hence the number of idols that we Americans frame and are obliged after a little to break. The genius of Carlyle is shown even in the title of his book, *Hero Worship*. The fault of his ideal of heroism, it is needless to say, is its deifying of energy. It is greatness, in whatever form, that Carlyle adores. Not that he really means to approve of immorality. But with him energy and sincerity are made the two notes of the hero. The fetich worshiper, he tells us, “let him entirely believe in his fetich,” is not in so bad a way. Carlyle gathers into one category of heroes men of power in any province. His homage for literary genius leads him to convert Goethe into a hero—Goethe, who certainly was not a patriot, and used the same love sonnets for one after another of the women with whom for the time he was enamored. The hero, be he only sincere, is permitted to do what he pleases to accomplish his end. Of Mohammed's propagating his religion by the sword we read:

I care little about the sword. I will allow a thing to struggle for itself in this world with any sword, or tongue, or implement it has or can lay hold of. We will let it do, beak and claws, whatever is in it.

As if there were no other curb required for man, a being with a free and responsible nature, than for creatures armed with beak and claws, and with no motive force but instinct. In his greatest work, the masterly work on the French Revolution, it is well that, as far as he carried the subject, he lighted on no hero to glorify. As to his Frederick II, of Prussia, it may be too much to say that Carlyle had to manufacture his hero; but he had to assist what nature did, by a considerable strain of muscle. Great men not only cast a spell over their contemporaries; they continue to enchant generations that follow. They dazzle later comers who gaze back upon their

career. They move these to believe what it gives them pleasure to believe. They disarm criticism. Alexander of Macedon, as a military genius, was praised by Hannibal, the only ancient commander who can be thought superior to him. That his intellect was keen no one will question. To be sure, he had Aristotle for a teacher, yet it was to his credit that he kept up an interest in Greek literature. But with what fabulous designs has he not been credited—the design, for example, to Hellenize Asia, when his aim was rather to Asia-tize Europe, and to make himself a despot after the Persian fashion, with the world under his feet. It takes a clear-sighted man and, if you will, an austere moralist, like Niebuhr, to characterize him as an adventurer—one who, in the spirit of a gambler, wantonly stakes his all on military success.<sup>1</sup> Napoleon, a far greater man than Alexander—how many writers has he captivated by the variety and energy of his intellectual powers! How have the enthusiasts ignored his unblushing mendacity, his petty tyranny within his court, his unmanly petulance, his heartless indifference to the sacrifice of human life! It is a signal merit, permit me to say, of the monumental work of our associate, Professor Sloane, that he holds the scales of justice with a steady hand. His concluding summary is marked by discrimination in every line.

But hero worship, however extravagant, is really less to be deprecated in the historian than the propensity to pull real heroes down from their pedestals. There is no greater good to a nation than to have at least one man who is justly enshrined in popular veneration—one at least whose name is in a certain way sacred. Such a name is that of Washington. Washington was not an orator; yet John Adams records in his Diary at the Continental Congress that he had been told by Mr. Lynch, a delegate from South Carolina, that Colonel Washington made the most eloquent speech at the Virginia convention that ever was made. "Says he, 'I will raise 1,000 men, equip them at my own expense, and march myself at their head to the relief of Boston.'<sup>2</sup>" Even Jefferson, not prone to flatter him, says that Washington was incapable of fear. High spirited, with a self-respect which no man ventured to invade, yet tempered with a just respect for all others, and with a power of self-government never surpassed; welcoming counsels, yet never yielding to dictation, and never carried off his

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<sup>1</sup>Niebuhr's Lectures on Ancient History, Lect. LXXIV.

<sup>2</sup>Life and Works of John Adams, Vol. VII, p. 300.

feet by currents of opinion, he was a patriot without selfishness and without guile. Why search, when search is vain, for flaws in his character? Never was his wisdom more apparent and, I venture to add, never did his military capacity shine forth more brightly than at the present moment. Why seek for distinction by fumbling the noses of the gods?

It is the glory of England that so many historic names in her annals are held, or will be, by the English people, in universal honor. What a lesson to all coming time is the course of a man like Sir Robert Peel, of whom Wellington said, "Of all the men I ever knew, he had the greatest regard for truth." Twice in his career he braved the wrath of a disappointed and exasperated party—first, when he brought the Catholic disabilities bill into Parliament, and again, when he set about the repeal of the Corn laws. You remember his closing words, after he had done justice to the conscientious motives of a portion of his antagonists:

I shall leave a name execrated by every monopolist who, from less honorable motives, clamors for protection because it conduces to his own individual benefit; but it may be that I shall leave a name sometimes remembered with expressions of good will in the abodes of those whose lot it is to labor, and to earn their daily bread by the sweat of their brow, when they shall recruit their exhausted strength with abundant and untaxed food, the sweeter because it is no longer leavened with a sense of injustice.

There is another influence that is not an unmixed advantage to an historical writer—a quality that, for the want of a better phrase, I will call the passion of eloquence. Rhetorical fervor, as we all know, is liable to mislead the subject of it as well as others in contact with it. No effort is required to drive a mettlesome steed furiously. When rhetoric is not artificial, but a gift of nature—in other words, when one is rhetorical to the core, with a copious vocabulary at his command, with felicity in its use, and a spontaneous ardor to match, it is not easy to keep within bounds. There is more than one sort of inability to bridle the tongue. There is a kind of declamatory thinking. One of the numerous writers who have dwelt on the traits of Mr. Gladstone has hit the mark, I believe, in attributing to him, as an ingrained quality, the passion of the orator. Eminent as his talents were and versatile his acquirements, there lay in this rare gift a snare. D'Israeli's sarcasm, that he was inebriated by his own exuberant verbosity—an ungracious remark for a political rival to make—is clever as a caricature. Historical writers may be carried away by their own

fluency. It is a pity for a painter to have on his palette only two colors, white and black. How Macaulay delights to pelt the men whom he sets in his pillory! How, for example, he inveighs against Craumer!<sup>1</sup> One feels that he would twit St. Peter with the timidity that he showed in the judgment hall of Caiaphas. In truth, Craumer was not a saint, but neither was he a hypocrite or a savage. In a few lines, Ranke furnishes the key to his character—the source of his weakness and of his capacity for service along with it. With many excellent traits, he was one of those natures, not bad in themselves, that need a backing and lack the power to breast a masterful will. But after a retreat there was left in him always the mind to rally, and thus to save the cause to which in his inmost heart he was committed.<sup>2</sup> Where the rhetorical turn of mind prevails, other tendencies, of course, may help to foster the spirit of exaggeration—a spirit that is apt to show in unbridled invective. There may be an almost savage intolerance of types of character not conformed to the author's favorite type. I will refer for an illustration to the wholesale disparagement of Cicero now somewhat common, especially among the idolaters of Julius Cæsar. Even Mommsen has set an example that writers of less distinction have not been slow to follow: "He was valiant," writes Mommsen, "in opposition to sham attacks." "By nature he had the talent of a journalist in the worst sense of the term." He is declared to be despicable as a statesman, and as an author to be nothing but a dexterous stylist—with much more in the same vein.<sup>3</sup> If I might venture to express my own feeling, I should say of this passage of Mommsen himself, that it illustrates the manner of "a journalist in the worst sense of the term." A far more fair and dispassionate view of Cicero is to be found in the pages of Ihne.<sup>4</sup> The foibles of Cicero are apparent enough, for he has

<sup>1</sup> Review of Hallam's Constitutional History (in Miscellaneous Essays, Vol. I); History of England, Vol. I, p. 48.

<sup>2</sup> Englische Geschichte, Vol. I, p. 48.

<sup>3</sup> History of Rome, Vol. V, Ch. XII.

<sup>4</sup> Cicero, when threatened by Clodius, remained at his post when ways of escape were offered to him. Says Ihne: "How many a one of the valorous men who now sit in judgment on Cicero and berate him as a coward, a shuffler, would, in the same situation, have crept into a corner where he might think himself safe." (Römische Geschichte, B. VI, s. 344.) Of the sorrow of Cicero in exile, Ihne writes: "The pains of this wounded heart, torn with grief, would fill a noble-hearted man, not with scorn and derision, but only with sympathy; for he who suffered thus was himself a noble-hearted, kindly man, one of the few of his people possessed of human feeling, removed from all hardness, cruelty, and avarice." \* \* \* "But we know that only one's own experience is the touchstone for these virtues [superhuman strength of spirit and resolution], and that many a Stoic of the Study at the first lightning stroke of misfortune breaks down." *Ibid.*, s. 389.

laid bare in his correspondence, as none of his contemporaries have done respecting themselves, his inmost thoughts and feelings. He has himself depicted his varying moods with the accuracy of a sun picture. It is from Cicero himself that we learn that he kept silence at sessions of the senate, lest, when it adjourned, Cæsar should dun him for borrowed money. Yet, when all is said that can be said, we always feel, as Niebuhr expresses it, that Cicero's failings are the faults of a friend. He was a more modern man in the type of his culture than any other of the ancients. If he vacillated in the contests between Cæsar and Pompey, it was for the reason given in his own letter to Atticus: "It is the consideration of my duty that distracts me, and has from the beginning." He clung to the republic, yet feared that the success of its champion would be followed by a repetition of the cruelties of Sulla. Richard Baxter said, in defense of himself, that when he remembered who it was that said, "Blessed are the peacemakers," he was willing to be called a trimmer. Cicero was bent on peace as long as the least hope remained that peace could be preserved. As for the inordinate hunger for fame, now and then there was one, like the great Stoic, Marcus Aurelius, who was not possessed with it. But the passion for glory, and especially for posthumous fame—a passion checked in the Middle Ages by the influence of Christianity—ran to excess in the great men of antiquity.

Room, even in a brief catalogue of misleading influences, must be given to a special temptation—the delight in paradox. In traveling over ground already trodden by numerous predecessors, the desire springs up to say something novel, an ambition to exhibit an original view. Some fresh theory must be invented. This will explain often attempts to silver over characters doomed, and justly so, to infamy. Sensationalism is not a temptation of preachers alone. It invades our department as well as other provinces. We see the maxim verified that there is no one without a friend. A number of ingenious attempts have been made to vindicate the character of Judas Iscariot. De Quincy is one of those who have tried to show that the motive of Judas in the betrayal of his Master was to compel Him to a public and triumphant declaration of His Messiahship. These intrepid apologists are somewhat embarrassed by the circumstance of the thirty pieces of silver, and by the statement in one of the documentary sources: "This he said, not because he cared for the poor, but because he had the

bag and bare what was put therein." The English Reformation had long been pretty familiar ground. Its leaders were pretty well understood. Unless a revolutionary hypothesis could be started it was not so easy to captivate readers. I am loath to say that a deliberate motive of this sort actuated that master of the literary art, Mr. Froude. It is, however, hard to account for the manner in which he has dealt with evidence, and hardly less for the inconsistencies in his narrative. Why are Thomas More and Cromwell praised to the foot of the scaffold and then put under the ban? Why are the English Protestant exiles, who went over to the continent in Mary's time, disparaged for obeying the injunction, "If ye are persecuted in one city flee into another," when Mr. Froude's hero, John Knox, likewise fled the country? As regards Henry VIII, new evidence only corroborates the proofs already known.<sup>1</sup> There is no ground for asserting that he had any scruples about the validity of his marriage to Catharine before he was enamored of Anne Boleyn. His statement that scruples were awakened in his mind by the French ambassador was a falsehood. There is decisive proof that he had previously corrupted Anne's sister; that he proposed to Anne if she would yield to his seductions to renounce all other mistresses; that he had a mind, if the Pope would consent to bigamy, to marry her and say nothing about his previous marriage; that eleven weeks after his secret marriage to Anne he directed the archbishop of his own creation to decide the divorce question "without fear or favor;" that on the day when he heard of Catharine's death he crowned his brutality by putting on a gala dress, and that he sent Anne to the executioner with a like heartlessness.

Where there is no ambition to shine as a discoverer, the historian may be under the influence of narrow or otherwise faulty ideals of personal worth. The hostile critics of Gibbon did not succeed very well in fishing for definite errors of statement in the fifteenth and sixteenth chapters, in which the great historian treated of early Christianity. In some particulars he was incorrect, but his main fault lies in the way of putting things. That type of freethinking prevalent in his day—eighteenth century views of Christianity—leavened his habit of thought. The faults and foibles of Christian teach-

<sup>1</sup> See Gairdner, "New lights on the divorce of Henry VIII" (in *English Historical Review*, Vol. XI, p. 873; Vol. XII, p. 1). See also the *Review of Froude's Supplementary Volume* (in *English Historical Review*, Vol. II, p. 360).

ers, confessors, and martyrs are set in the foreground in a way to allow no true perspective and to shut out a just appreciation of their moral worth. It is worthy of note that, in describing the martyrdom of Cyprian, Gibbon dwells upon the decorum of the Roman officials by whom he was beheaded, as if to throw a shade over the ghastly scene of the murder of an aged bishop of brilliant powers and spotless character. It is a relief to the reader when, once in a while, a character so elevated as that of Athanasius calls out from Gibbon cordial tributes of admiration.

It is quite possible for a writer to be diligent in investigation, with a strong understanding, and free from any wrong intention, and yet merely by his temperament be disqualified from comprehending an order of mind diverse from his own. Owing to a lack of imaginative sympathy, not a few are incapable of appreciating a nature in which enthusiasm is a living force. No one doubts that Southey was an accomplished literary man and withal a poet; yet when he undertook to portray the character and career of John Wesley he partially failed. Coleridge's annotations to Southey's biography of the Methodist founder supply the element of spiritual insight. The American edition of that work contains the additional notes by a Methodist divine on both Southey and Coleridge. The spectacle of this triangular contest is somewhat dramatic. Milman is a name always to be mentioned with respect. The History of Latin Christianity is the work of an author truly learned, with broad literary sympathies, and free from sectarian partiality. But when Milman applies himself to describe a personage like Hildebrand, and especially to describe that saintly monarch Louis IX of France, we are struck with the limitations of the author. Piety that surpasses the limit of Anglican moderation, devotion that is coupled with what to the men of to-day seem extravagances—for instance in the direction of austerities—awakens in the author a certain involuntary disrespect that, without design, colors the entire portraiture. Let one compare Neander's account of the two famous men just mentioned with Milman's, and one will instantly feel the difference between an insight that discerns the essentials of a truly lofty nature and a perception that stays more on the surface. There is something almost humorous in the thought of a writer like Hallam, to whom anything but an exact statement is repugnant, passing judgment upon



a man like Martin Luther, of a frolicsome humor, and with emotions that poured themselves out in extravagances of speech.

The historical student is perpetually called upon to discount the influence of personal or party prejudice. The unpracticed scholar may be tempted to accept with little or no scrutiny the statements of contemporary writers merely because they were contemporary. Here, it is felt, we have the testimony of one who was present and saw the persons with his own eyes. It is forgotten that these witnesses, not unlikely, are the very ones to be warped by likes and dislikes. One of the most fascinating of all historical books of this class is the *Memoirs of St. Simon*. What pictures of court and camp in the days of Louis XIV! What life-like portraits of men and women—vivid portrayals of their looks and conduct! Yet few writers are more swayed by personal sympathy or antipathy. Ranke's dissection of St. Simon is an invaluable aid to the student, like his critiques of Clarendon, Burnet, Davila, and others of almost equal fame.

The better tone of history is in nothing more apparent than in the waning influence of party prejudice. The custom of branding heretics in politics and religion, or those deemed to be such, with epithets appropriate to thieves and robbers, is passing away. The good old maxim "*Audi alteram partem*" is coming to be more observed. There is not only a more exhaustive search for the requisite materials of judgment, but with it greater impartiality. In seasons of party conflict it is curious how a misrepresentation will spread. Some of us remember that forty years ago everywhere in the North the opinion of Chief Justice Taney in the *Dred Scott Case* was denounced. He was quoted in countless newspapers and speeches as having declared from the bench that "negroes have no rights which the white man is bound to respect." What he did say was something quite different, namely, that for a century before the framing of the Constitution negroes "had been regarded as so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly be reduced to slavery for his benefit." Whether the Chief Justice was perfectly correct in this statement or not, he nowhere expresses an approval of the sentiment, which he said was formerly entertained. He might, perhaps, have done well to refer to declarations in a different tone at least, like the passage on the iniquity of the slave trade which Jefferson inserted in the first draft of the Declaration of Independence. But how manifestly

unjust to impute to him a sentiment to which he gave no express or implied sanction! Whoever has had occasion to study the religious contests of the past is not seldom obliged to revise traditional verdicts respecting the leaders. As students are aware, there is abundant room for criticism of most of the Protestant as well as Roman Catholic biographers of Luther. How many Protestants of average knowledge know anything of the bigamy of the Landgrave of Hesse, to which the Wittenberg reformers lent their sanction? No man has been more detested by Puritans and people of Puritan descent than Archbishop Laud. No doubt he was a martinet in matters of worship, with a hard and inflexible temper, which made him cast into prison and drive out of the Kingdom good men whose departures from ritual prescriptions were treated as heinous crimes. Yet, while in one sphere narrow and consequently cruel, he was in reference to theology, compared with his adversaries, a broad churchman. In that day of conflict between Calvinist and Arminian, he would make room for both. Repugnant as are the conceit and tyranny of James I, as they were displayed at the Hampton Court conference, when he pitted the prelates against the Puritan divines, we must do him the justice to remember that he denied the request of those divines to insert in the Anglican creed, as new tests of orthodoxy, the Lambeth articles, with their more rigid formulas of predestination. On the one side, intolerance as to the ritual; on the other, intolerance as to doctrine. Neither party, according to our idea of freedom, was contending for liberty except for itself.

When partisan acrimony is reenforced by personal ill will, we have but a sorry equipment for impartial judgment. It was not without a shock that some, whose youthful enthusiasm for Macaulay was not quenched, read, in one of his letters in *Travelyan's Life*,<sup>1</sup> the bitter reference to his Tory antagonist, Croker, that "impudent, leering Croker," as he styles him, and the words that follow this expression: "See whether I do not dust that varlet's jacket for him in the next number of the *Blue and Yellow*"—that is, the *Edinburgh Review* for September, 1831. Macaulay's review of Croker's edition of Boswell is in keeping with additional words contained in the letter referred to: "I detest him more than cold boiled veal." Lockhart's critique of the *Edinburgh* article, in the *Noctes Ambrosianæ* of Blackwood, proves its lack of candor and how far it fell short of accuracy. Whoever would fully understand the

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<sup>1</sup> *Life and Letters of Macaulay*, Vol. I., p. 218.

spirit of exaggeration that characterized Macaulay should read Spedding's two volumes, entitled "Evenings with a Reviewer." There it is demonstrated that the famous article on Bacon is but the expansion of Pope's line,

The wisest, brightest, meanest of mankind—

where the last epithet of the poet is a monstrous hyperbole. The marvelous memory of Macaulay, and his extraordinary power, from mere recollection, of conjuring up in his mind pictures of the past, with the circumstances and dates fitted into their places, no doubt explains the occurrence of errors, and partly accounts for his persistency in them when they had been pointed out. But it hardly avails to excuse his failure to acknowledge such a mistake as the confounding of William Penn, the Quaker, with George Penn, the pardon broker.

There is one question in connection with my subject which demands particular attention. What shall be the criterion of moral judgment respecting characters in the past? What is the right touchstone? Some go so far as to say that no verdicts at all are to be rendered, and only the data for them are to be furnished. A writer not void of moral earnestness can hardly fasten such a padlock on his lips. Dean Stanley, speaking of his old master, Dr. Arnold, of Rugby, remarked to me that he had seen Arnold, when recurring to some iniquitous act far back in Roman times, "livid with rage." Men of less vigor of conscience will experience emotions of this kind in some degree, and are not bound to stifle the utterance of them. But what shall be the standard? Shall it be the ethical perceptions of an advanced age? Shall it be the rules of conduct that make up the code of good men to-day? So Lord Acton, in his learned and instructive inaugural lecture on the Study of History, strenuously contends:

"The weight of opinion is against me when I exhort you," so he writes, "never to debase the moral currency or to lower the standard of rectitude, but to try others by the final maxim that governs our own lives, and to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong. The plea in extenuation of guilt and mitigation of punishment is perpetual. At every step we are met by arguments which go to excuse, to palliate, to confound right and wrong, and reduce the just man to the level of the reprobate."<sup>1</sup>

So says Lord Acton. On the contrary, others are positive that a method of judgment so severe is unrighteous. They contend that men of the past must be judged from the point of

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<sup>1</sup> Lecture, p. 63.

view of their contemporaries, and according to the measure of light possessed in their own time. There is some confusion among the disputants on this matter. Both parties are right, and neither excludes the other. On the one hand, the ethical law is not to be forgotten. The ideal standard is not to be let down. The conduct of men of every age may profitably be brought into comparison with it. No plea for the wicked is to be tolerated that amounts to an apology for wickedness. On the other hand, however, the question of subjective guilt, or the degree of personal ill desert, is another point. Practical ethics, like the art of house building, is progressive. Some things are always and everywhere known to be wrong, and are abhorrent to all men. Yet moral discernment of the right in the concrete advances as the day advances from dawn to noon-tide. Morality continually branches out, to human vision, in new directions. Penalties of civil law in the most civilized states, inflicted within the limits of the present century, are now felt to be barbarous. It does not follow that we are more deserving of praise than our predecessors. Not long ago practices that the law and moral sense now forbid were not perceived to be cruel; for example, in the methods of prison discipline. There is a new feeling even respecting cruelty to animals. In a chapter of the *Memorabilia*, Xenophon gives us an account of a call made by Socrates with some of his disciples on an Athenian courtesan, Theodota.<sup>1</sup> The philosopher converses pleasantly with her, and gives her shrewd advice as to how to attract men and to ply her occupation skillfully. Suppose a teacher of moral philosophy in one of our universities—for Socrates was a teacher of ethics—were to copy his example as thus related, and related, be it observed, without the least censure, by one of his disciples. Shall we then denounce Socrates, one of the noblest men of all time, and a martyr, if there ever was one? I have heard a theologian speak harshly of him on the ground of this record in the *Memorabilia*. But the good man forgot that on the roll of heroes and saints, in that splendid passage of Holy Writ, the eleventh chapter of the Epistle to the Hebrews, there stands the name of Rahab, the harlot. He forgot that Revelation itself was gradual, and that the laws given to men of old time, much more their practices, are pronounced in the Gospel imperfect.

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<sup>1</sup> *Memorabilia* b. III, c. XI.

According to the international law of antiquity, the lives of captives taken in war were forfeited. They might be reduced to slavery or slain, at the option of the captor. Ethical feeling had risen to no higher level. It is manifestly unreasonable to consider Julius Cæsar as guilty for the slaughter of prisoners of war as a modern commander, in the light of Christianity, would be for the same act. Napoleon Bonaparte ordered a multitude of Turkish prisoners at Jaffa—whose lives, moreover, had been promised them—to be marched to the beach and shot. Of the opinion of apologists who excuse this foul deed, Professor Sloane properly remarks:

Those who hold that in any war, whether just or unjust, the practice of barbarity is excusable if it lead to speedy victory, will agree with that opinion.<sup>1</sup>

The deed of Napoleon was execrable, because he was not in the dark as to the code of Christian morality, but with ruthless cruelty trampled it under foot. Bismarck sent broadcast over Europe a telegram which he had recast from an official message sent to him, by omitting parts vital to the impression that it conveyed. The impression of the garbled telegram was that a personal insult had been offered to the Emperor William by Benedetti, the French minister, and had been so regarded by the Emperor—which was false; and the impression, which was likewise false, that for this reason negotiations as to the Hohenzollern question between the two Governments had been broken off by the Emperor. Bismarck, as reported by Busch, said of this proceeding, "The thing really succeeded. The French were fearfully angry at the condensed telegram, and a couple of days later they declared war against us."<sup>2</sup> He predicted on the spot, as he says in his autobiography, that it "would have the effect of a red rag upon the Gallic bull."<sup>3</sup> He fairly chuckles over this cunning device that heated the temper of two nations to the boiling point. It is a mild judgment to call it a Machiavelian trick. A Frenchman might be pardoned for calling it an instance of shameless mendacity.

With the lapse of time, as events and persons recede further into the past, we find that history looks at men in their broad lines of difference. It drops out of sight minor circumstances.

<sup>1</sup> Life of Napoleon, Vol. II, p. 48.

<sup>2</sup> Bismarck, Some Secret Pages of his History, etc., Vol. I, p. 204.

<sup>3</sup> Bismarck, the Man and the Statesman, Vol. II, p. 101. The two telegrams are given in full by Delbrück in the *Preussische Jahrbücher* for October, 1895. The comments of Delbrück are clear and discriminating. They are of special service to the reader of V. Sybel's account in his *Begründung d. deutschen Reichs*, Vol. VII.

It is the ruling purpose when it stands out that absorbs attention and determines the popular estimate of personal worth. Subordinate details, even grave errors of opinion and conduct, vanish when one is viewed from the distance. In a crisis, did this man cast his lot on the right side? And was he unselfish and brave? If he did *that* and was *this*, serious faults are condoned. The most noted leader in the antislavery conflict in this country was Mr. Garrison. He was vehement in his advocacy of disunion. He denounced the Constitution of the United States as a "covenant with death and an agreement with hell." His habit of speech appears in the following sentence, which I casually met in looking over an old number of *The Liberator*:<sup>1</sup> "The man who throws up his cap and cries 'The Union forever' is morally in a condition to be sent to a madhouse and have a strait-jacket put upon him." Yet Garrison now stands high in popular esteem. A scholar and author as distinguished as Goldwin Smith writes a eulogistic memoir of him. It is simply because he is thought to stand the test that I have stated. He is considered to have been on the right side and to have been a fearless and unselfish champion of a righteous cause. All else is overlooked. In Boston, where a mob led him along the streets with a rope about his waist, you may see his statue in everduring brass. The great statesman, Daniel Webster, was a contemporary of Garrison. He saw some things that Garrison did not see—one thing in particular. It was not simply that his heart was full of the precious memories of the American Union. Webster saw that with the American Union was identified the cause of civilization on this continent. He felt that to break it up would be the signal for anarchy, probably for civil war and a social wreck. "Liberty and Union, one and inseparable," were words that embodied his deepest conviction. Hence he dealt with the slavery question in a spirit that seemed cowardly and timeserving to one who underrated the value of the Union, and in his horoscope caught no glimpse of civil war, with its unspeakable horrors and possible ruin. Posterity will not doubt that the defender of the Constitution and the Union, whatever his faults may have been, deserves the statue placed in his honor in front of the statehouse in Boston. History will adjudge him to have been a sincere patriot, as well as a farseeing statesman.

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<sup>1</sup> *The Liberator*, March 4, 1859.

Bear with me while I briefly revert to our New England history. The character of the Puritan founders of New England is a question warmly contested. Dr. Palfrey, a man of great liberality, without sympathy with Puritan theology, who gave practical proof of his love of freedom, is considered by many to have written in a too apologetic vein. Certainly care is now taken by many to steer clear of any such imputation. This may be said, that no man is competent to judge fairly the Puritan founders of Massachusetts and Connecticut unless, in the first place, he recognizes the distinction between a settlement or colony in its infancy and a full-fledged commonwealth. A colony stands midway between the family and the state. Nor is he then qualified to judge unless he bears in mind that uniformity in religious professions and practices in a political community had been one of the ruling ideas of men from the first Christianizing of the Teutonic tribes and nations, to say nothing of the feeling and precedents deeply rooted in a remoter past. Besides the inherited theory as to the function of the state, the record of religious factions begotten of the Reformation, or occasioned by it, intensified in the fathers of New England the dread of anarchy and social demoralization. Roger Williams was one of the few who, along with many erratic notions, caught sight of the modern idea of the state as limited in its functions, and of the civil authority as holding no divine commission to repress religious error. Give him whatever credit is due to him for taking a step in advance of almost all his contemporaries. But surely John Winthrop was as good a man as Roger Williams! Certainly for no man did Williams himself cherish a deeper reverence and esteem. And, as the founder of a State, when all things are considered, Winthrop does not stand on a lower level than Williams. In such an office there is required a combination of qualities. Jefferson somewhere likens the character of the New Englanders to that of the Jews. Whatever grains of truth there are or were in this comparison, it is not altogether a reproach. Even if Jacob, in the spirit of his dealings with Esau, was not attractive, yet it has been truly said of Jacob that he was a better man to found a commonwealth than Esau. And there have been many Israelites superior to Jacob, in being without guile.

A single reflection shall bring these remarks to a close. I want to say that I have been impressed anew with the dignity of the vocation of the historian and the historical teacher, as

connected with the particular function to which we have attended. Surely it is a high office to fulfill—that of rescuing from unmerited reproach the men of the past whose names have been clouded by defamation, and who can utter no word in their own defense. It is a high office, not less, to strip from the unworthy the laurels which they have no right to wear. I had just written these last sentences when there fell under my eye words of the same purport from the pen of Tacitus. In the midst of his account of the crimes of Tiberius he pauses to say: “I hold it to be the chief function of history not to leave virtuous deeds unrecorded, and to make the reprobation of posterity a terror to evil words and acts.”<sup>1</sup> The recollection of this great writer, of his dignity and power, emboldens me to say that to historical scholars the world must look for the awards of a righteous judgment. The nearer they come to realizing the ideal of their calling, the more will they be owned as the highest court of appeals that the limitations of our human life render possible.

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<sup>1</sup> *Annal.*, Lib. III, 66.

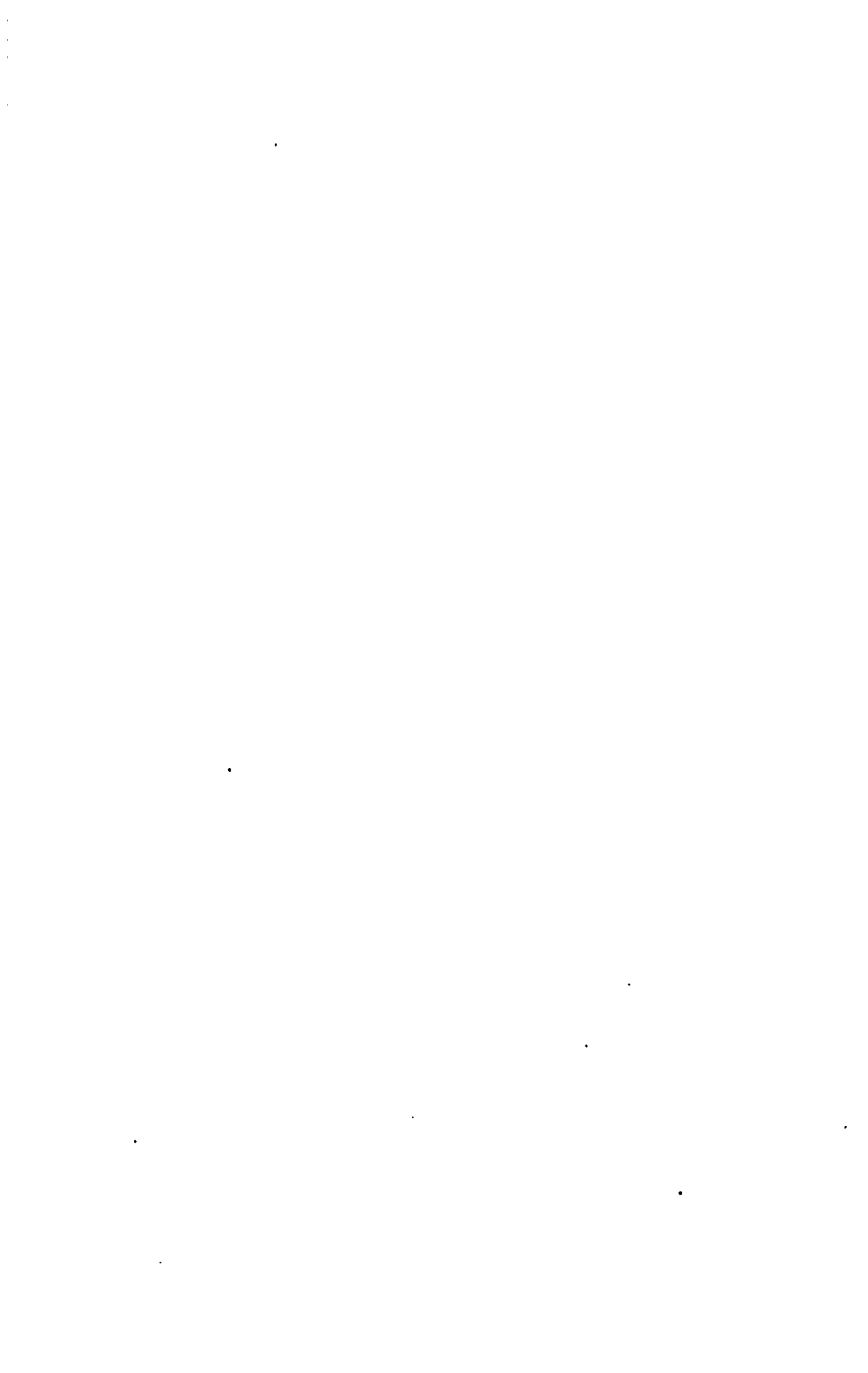




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IV.—HISTORICAL MANUSCRIPTS IN THE LIBRARY OF CONGRESS.

By HERBERT FRIEDENWALD, Ph. D.,  
SUPERINTENDENT OF MANUSCRIPTS DEPARTMENT, LIBRARY  
OF CONGRESS.



## HISTORICAL MANUSCRIPTS IN THE LIBRARY OF CONGRESS.

By HERBERT FRIEDENWALD.

In the short time that I shall occupy no more will be attempted than to indicate briefly some of the more important historical manuscripts of the Library of Congress. It will not be possible to go into details, nor, I may say at the outset, will I have the pleasurable task of describing a vast collection, such as that of the Vatican, whose treasures have been so learnedly portrayed by Professor Haskins. Yet that of the Library of Congress is well worthy of having the attention of historians attracted to it, more especially as the establishment by Congress of a special department under the Library of Congress for the care of manuscripts marks a great step forward in the history of the care of the Government archives in this country. Nor was this action taken any too soon in this instance. An almost total neglect, in that they were stored away indiscriminately among books and pamphlets in cellar and garret, exposed alternately to heat and cold, damp and dust, for a period, in most cases, of from fifteen to thirty years, has left its ineffaceable marks. As a result, of the six hundred and odd bound volumes scarcely more than a tithe will make a presentable appearance, and be fit to be handled without rebinding. Of those unbound, numbering some 170 volumes, and two hundred and odd bundles (which when bound will nearly double the number of volumes on the shelves), the tale of abuse that has fallen to their lot is even sadder, and, naturally, because of their greater exposure to injury. All told, of the 25,000 individual original manuscripts forming the collection, but an insignificant portion are in such a state of preservation as to require no attention at the restorer's hands. To arrange these upon temporary shelves—for the permanent fixtures for the manuscript department of the Library have just been put in place—to classify them so that even before cataloguing

they might be rendered measurably accessible; to begin at once the preparation of a catalogue, for none has ever been in existence; to put repairers at work and to give attention to an infinity of minor details, such was the work which may be said to have begun just about one year ago. We must pass now from the consideration of mere mechanical details to the more important matter of the contents and scope of the historical collections.

It will surprise none to state that practically all the papers of an historical nature relate to the Colonial and Revolutionary history of our own country, though the investigator who is making researches in the history of the West Indies and of British America can ill afford to pass by the few, yet valuable, volumes we have relating to those possessions. For many of the manuscripts, gathered with such painstaking care by George Chalmers, who took advantage of his exceptional opportunities, have found their way here and help to add greatly to the worth of the collections relating to Colonial history. Not the least interesting of the volumes compiled by him is one entitled Ecclesiastical Jurisdiction over the British Colonies, containing papers concerning that much agitated subject between the dates 1662 and 1768. The Colonies concerned are Virginia, North and South Carolina, New York, and Jamaica. And the investigator will find a worthy supplement to the information contained in this volume by reference to the papers which we have of Sir William Johnson and which cover the years 1760 to 1767. Included among these is a petition addressed to him in 1766 by the Episcopal clergy in convention assembled in New York, praying him to use his good offices with the Board of Trade to procure bishops for America

Of great utility in supplying information that is missing from the Chalmers papers is another unique set of documents relating to our colonial history. They are the so-called Vernon-Wager Papers, in 12 large folio volumes. There is scarcely a phase of colonial history in its broadest sense during the first half of the eighteenth century that they do not touch upon, though in the main being made up of reports and opinions of Admiral, Lord Vernon. A catalogue of the documents in this collection which relate to Cuba was published in the first publication issued from the Library of Congress during the incumbency of Mr. Young.

Passing from the high church of a few minutes ago to high Toryism, we come to one of the most interesting series of documents in the Library. It is the collection of 35 volumes, together with a few miscellaneous papers, containing the proceedings of a commission for inquiring into the losses, services, and claims of the American loyalists during the war for Independence, and who were later indemnified by act of Parliament.

A word as to their history by way of preface. They found their way in due course to England, from whence they were procured by Maj. Gen. J. H. Lefroy, a governor of Bermuda, and presented through him (by his relation, Mrs. Dundas, of Cannon Hall, Larbert, New Brunswick, a descendant of one of the commissioners) to the Smithsonian Institution in 1874. Inasmuch as the Library of Congress is the depository for the books, etc., of the Smithsonian, they naturally found their way here.

The commissioners whose proceedings are thus recorded were Col. Thomas Dundas and Mr. J. Pemberton, and the notes of the testimony taken before them relate to 1,400 cases. This testimony in many instances goes very much into detail, and we therefore have here an amount of information respecting the careers of prominent colonial figures that is nowhere else to be found. Roughly speaking, the hearings were held during the years 1783-1790 under the several acts of Parliament, and the commissioners heard the testimony at St. John, at Halifax, and at Montreal.

Stepping now firmly on the continent we should appropriately land in Virginia. To her history the Library can contribute much that is of inestimable value. I need only refer to the records of the Virginia company, in two large folio volumes, in a magnificent state of preservation, and covering the years 1619-1624, and which, parenthetically, I trust this Association will see fit to publish at an early day. Their value is so great and so well known as to require no further comment. At present they form one of the most attractive parts of an exhibition of manuscripts installed in one of the exhibition halls; but with the purchase of Jefferson's library came other manuscripts second only in importance to these. Among them are the originals of the early laws of Virginia, some of which Henning used for his great publication; but there are many documents of a similar nature which Henning might have

used had he had access to them. Among these are the manuscripts which were sold when Jefferson's second library was dispersed in 1829, and they contain much important material for the history of Virginia in the seventeenth century, collected by Jefferson at a time when they might otherwise have been destroyed.

Turning to New England, we find the history of New Hampshire during the eighteenth century is especially well represented. Letters of private persons, letters of Government officials, official documents, governors' proclamations, acts of council and assembly, and a multitude of other papers relating to the history of New Hampshire during the eighteenth century comprise the list. They were all gathered by that indefatigable collector Peter Force, and he appears to have picked and culled most liberally, for many a document that is stated in the published New Hampshire records to be missing is to be found here. It may also be noted that Connecticut is specially well represented by letters of Governor Trumbull, in addition to other documents that we have not time to specify here.

Passing from New England, we may properly stop at one of the Middle States. Little Delaware must now arrest our attention, for here are to be found nearly 500 documents, contained in 4 stout volumes relating to her history during the seventeenth and eighteenth centuries. Most of them are official, being in many instances the original proceedings of the council and house of representatives. Perhaps the most interesting are the minutes of the convention which proclaimed Delaware's constitution in 1791. Among them also are many original letters and messages of John Dickinson, comprising perhaps the largest body of his original papers extant. And to this list must be added a number of very early deeds and records of similar character, dating back to the time of Swedish occupation.

For Maryland history we can produce no less a volume than that containing the minutes of the Baltimore committee of safety from November, 1774, to October, 1776. At the end of this volume is a very interesting lot of names of shipowners who subscribed to an oath that they had not introduced into the State any of the articles of British manufacture or growth whose importation was prohibited by Congress. Another Maryland volume is the letter book of the Intendant's Office of the State during the years 1785 and 1787.

As respects Pennsylvania, we can produce the voluminous minutes of the council of safety at Lancaster from 1774 to 1777, and lists of British and Hessian prisoners lodged at Lancaster during that time.

Passing from State documents, we may next take up those that are more closely related to individuals and their careers. The figure that looms up with appropriate prominence is that of Washington. The collection of letters and papers from his pen or that have passed through his hands as witnessed by his indorsement is probably the largest outside the Department of State. Though relating in good measure to the Revolution, there are still a number of documents which concern the earlier period of the colonial wars and the later of his Presidential career. Of very special importance is the interesting lot of press copies of his letters, 214 in number, written between 1793 and 1799, the last bearing date within two weeks of his death. I can not tarry longer over this splendid lot of manuscripts than to mention a large number of letters from him to Rochambeau concerning the cooperative movements of the two armies, and to refer to the well-known orderly book of the Braddock expedition in two volumes, and the journal kept during the Federal Convention.

The mention of Rochambeau's name leads me naturally to say a few words about those papers which form so valuable a part of the Library's collections. Instead of consisting merely of his letter books, to which alone access has been had by historians, they comprise in addition about 500 original documents of the first importance. Much of the original correspondence between Rochambeau and his officers, and especially with De la Luzerne, the French minister, form a considerable part of this series. Many of the English documents have been translated into French by Rochambeau himself, and we thus have in many instances the original and Rochambeau's own version of it. Some of the most interesting documents are those which relate to the membership of the French officers in the Society of the Cincinnati. The most unique of these documents relating especially to that society is one which contains the subscriptions made by the members of Rochambeau's staff to the general fund of the society. It is headed by Rochambeau with 6,000 francs, and the others follow with subscriptions suitable to their ranks. It is scarcely necessary to add that this subscription list bears the original signatures of the subscribers. It gives me much pleasure to state that quite



recently these papers have been supplemented by the purchase of a large number of letters and documents of the Comte de Ségur, French minister of war during our war for Independence.

Before getting too far away from the period to which they relate, I wish to say a word about the original manuscripts of Governor Thomas Pownall. In common with almost everything that Pownall did, his letters are without exception of great importance. One of the most interesting is a letter containing a description of the Albany convention, though unfortunately it is only a fragment. Another is his "Considerations on the present state of North America," which is 21 pages in length and begins:

The following Papers propose to consid-

First. The Cite of the Country.

Secondly. The Interests of Possessions & Settlements as the Basis.

Thirdly. Of the State of the Service in America.

It is a long way from Massachusetts to Michigan, but time is growing short and I must pass over many documents to which I should like to draw attention in order that I may speak of the Schoolcraft papers. Those familiar with the career of Henry R. Schoolcraft know what an indefatigable worker he was and will not be surprised to learn that he left numerous manuscripts. But these relate not alone to his researches in Indian ethnology. He appears to have been a man of most methodical habits and carefully preserved the letters received by him as the result of a correspondence extending over a period of more than fifty years. Of these the letters and papers of Governor Lewis Cass are of the first interest. Schoolcraft seems to have been for many years the confidential secretary of Governor Cass, and in consequence the documents which he has preserved, most of them being in the handwriting of Cass himself, are those which relate to his official career from 1815 to 1860. The most of them, however, are letters and documents written while he was the governor of Michigan Territory. But after he began his career in Washington he kept up a long correspondence with Schoolcraft upon a variety of miscellaneous subjects, all of which is carefully preserved.

Other personal papers, to which reference ought also be made, are those of Gen. John Sullivan, the letter books of Gen. Nathanael Greene during 1781 and 1782, and the papers and letter books of Col. Ephraim Blaine, the ancestor of James

G. Blaine, who was commissary-general during the Revolution. The latter's voluminous correspondence from 1777 to the end of the war represents a vast deal of material of great importance, in that it shows the means by which the Revolutionary army was subsisted—an economic as well as a historical matter of very considerable moment. He was also the commissary-general of the forces during the whisky insurrection, and among his papers are many valuable documents which contribute to an understanding of that event.

Nor must we overlook the letter books of President Monroe while representing this country at the Court of St. James and those of Du Simitière while engaged on his work of collecting material for his history of the Revolutionary war.

So much for the originals. A word now as to the transcripts. The greater part of these were collected, as were also many of the originals, by Peter Force, and came to the Library when his library was purchased in 1867. They are often second only in importance to the originals, though they relate almost entirely to the Revolutionary period.

It is, however, with some regret and no little hesitation that I undertake the task of dissolving a myth that has up till now hedged about these Force transcripts. He who has in mind a picture of a vast mass of orderly arranged material that could at any day be sent to the printer and the series of volumes of the American Archives be thus pushed to completion must disabuse his mind of any such fond picture, for no such mass of material exists. What there is consists of a partial and more or less accurate lot of copies of the papers of the Continental Congress and of other papers which are now in the Department of State. When they came into my hands their disarrangement and disorder were such as to give one little hope of bringing any sort of order out of that chaotic mass. They are now arranged temporarily about as well as it will ever be possible to arrange them and as they have never been since they left Peter Force's hands. No manuscript ready to send to the printer is here, and it is therefore an assured fact that the nine volumes of Force's archives will never have another volume added to complete the series outlined by their editor.

Before passing to the consideration of some general questions which arise out of the conduct of a manuscript department, I wish to say a word about a collection of bills, accounts,

and inventories covering the years 1650 to 1754. Though perhaps more of economic than of historical importance they present a mass of material in fifty-four volumes, comprising about 7,000 separate documents relating to the history of prices in England during the century covered. They were collected by Mr. Hallowell-Phillips, the Shakespearean scholar, and were presented to the Smithsonian Institution in 1852. There is scarcely a branch of trade, an article, or a product of agriculture the history of which is not illustrated by these papers. They are in excellent shape, and I commend them to the attention of the historians and economists.

It will not be out of place for me to refer briefly to the manner in which it is proposed to care for the manuscripts, a few of the more important of which are here referred to. Inasmuch as such a mass of documents without a catalogue is almost useless, the work of cataloguing was begun about the 1st of January, 1898, and with some interruptions has been continued by two persons under my direction since that time. It has been the endeavor to make this catalogue as full as possible, supplying a great deal of information that would be useful but is not contained in the documents themselves. Some 9,000 cards have been written, and it is hoped in the near future to take advantage of the present-day interest in naval affairs and publish a calendar of the letters and papers of John Paul Jones, twelve volumes of whose manuscripts are in the Library. That work is now about half completed. At the same time a calendar of the Washington manuscripts has been begun, and it is hoped that we will be able to publish both of these during the course of the next year. Following this it is the intention to publish calendars of the documents relating to the history of the Colonies and States.

It may be well also to call attention to the specially designed cases which have now been put in place in the room assigned to the manuscript department. They are of steel, wood, and glass, are designed to hold about 3,000 folio volumes, and not the least interesting parts of the general scheme are large burglar-proof safes, as also a series of small drawers, the latter being designed for the convenient temporary arrangement of manuscripts before binding.

No collection of this nature would be properly cared for without some attention being devoted to its increase. So far the appropriations for that purpose have been hopelessly inadequate, but there is reason to believe that Congress will in due

course take the just view of the necessities of the case. It is duly appreciated that it will be impossible ever to compete with the great European collections of ancient manuscripts. It has therefore been decided that we will restrict ourselves to the collection of manuscripts relating to the history, literature, and science of America. We have a very fair beginning in historical material. Our endeavor will next be while increasing that to get representative specimens of the writing of literary and scientific men. But there is a branch of science little cultivated in this country, and to which it is proper that the National Library should devote its attention and lend its aid and encouragement. The study of paleography is impossible without having the material at command for its pursuit. It will therefore be our endeavor to collect specimens of the art of writing of all kinds and all ages, and to supplement those by the acquisition of published facsimiles. Another point. This branch of the Library of Congress is the only branch of the Government specially created for the care of Government manuscripts. Throughout the city of Washington in all of the Executive Departments are vast quantities of invaluable historical records that are going to decay from absolute neglect. Many of them have no relation to the branch of the Government in which they are deposited and in no instance is there any adequate arrangement for the convenience of scholars desiring to consult them. It has been proposed by the Librarian that all manuscripts of a historical and not of an administrative character should be transferred to the Library of Congress, where they would not only be suitably taken care of, but where scholars might freely consult them with all the facilities of a great library at their beck and call. I consider this matter of such importance as to warrant some action being taken respecting it by this Association, and I commend the subject to you for your earnest consideration.

I need scarcely add, in conclusion, that I have but scratched the surface—it is for the members of this Association to till the field that lies before them. Access to the manuscripts is denied to no one who comes properly accredited, or who is known to the superintendent of the department. Every facility that can be thought of will be placed at the investigator's disposal, and I trust that I shall in due course have the pleasure of welcoming most of those interested in American history to Washington and to the manuscript department of the Library of Congress.



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V.—AMERICAN COLONIAL HISTORY (1690-1750),

By CHARLES M. ANDREWS, Ph. D.,  
PROFESSOR, BRYN MAWR COLLEGE.

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## AMERICAN COLONIAL HISTORY, 1690-1750.

By CHARLES M. ANDREWS.

Generally speaking, our colonial history has been written from but one point of view—that of the colonies. The fact that the colonists were members of a great colonial empire, were subject to an elaborate colonial administration that existed, as it were, outside of themselves, has been lost sight of more or less in the greater interest historians have had in the settlement of the English in America and the development of the remarkable forms of government that they wrought on American soil. We have been, perhaps, in consequence, too provincial in our attitude toward our earlier history, and have neglected what must be considered in the light of general history as the first and more strictly logical way of viewing the subject—that is, we have neglected the standpoint of the mother country; of which we were a part. We have left largely unexamined the system which English statesmen elaborated after long experimentation for the management of ourselves in their interest, and we have been too little interested in the success or failure of the various attempts which they made to apply this system in the different parts of the New World. Of course, these subjects have not been left entirely out of account by writers on our colonial history. Such a treatment would be manifestly impossible; but in most cases they have been studied only in parts, here and there, and only as incidental, never for their own sakes or as a whole, never for the purpose of discovering the unity between the different parts of the system or the extent to which it influenced the political, social, religious, and economic sides of our colonial life.

In consequence, a particular period of our colonial history, that from 1690 to 1750, has been unduly neglected. This, the middle period between colonization and revolution, was not a



time of great results and had none of the dramatic qualities of the years before 1689 or of those after 1754, yet it covered the history of two generations of men; was the training time of those, or of the fathers of those, who sat in the Stamp Act and Continental Congresses, a time of more or less silent conflict, of hard experiences, which taught men lessons and brought men knowledge, a time when the political systems already established were taking on new strength, and the economic conditions were undergoing important changes. Important as were the events that took place before the year 1689, they did not shape the environment in which were prepared the men and the conditions confronting us in 1765. To understand the later period we must look not to the era of settlement, but to the middle period of conflict and experience.

To this period Bancroft in his last edition gave less than 200 pages, the greater number of which dealt with the wars of the Spanish and Austrian successions, the settlement of Louisiana, and the destiny of America. Hildreth discussed the period at somewhat greater length, giving to it about 250 pages, but his narrative is wanting in historical insight and an adequate appreciation of the importance of the events that he chronicles. Furthermore, his method of presentation is without unity and a proper coordination of material. Doyle, whose three volumes on the colonies are unquestionably the best that we have, brings his narrative to an abrupt close with the year 1700, and thus the historian who might have taken the proper point of view has deserted the field. In Winsor's *Narrative and Critical History* the chapters on the period are too much like perfunctory chronicles of events and do not go very far below the surface, while the only one showing depth and insight, that of Judge Chamberlain on *The Revolution Impending*, in reality deals with a later period. Much has been done by State historians, but as each writer limits himself to his own particular colony, his presentation is of necessity narrow in scope and local in interest. Palfrey, who, as far as New England is concerned, has done more for the subject than has anyone else, is almost always disappointing in the way he has managed his material, and because of his prejudice is not always trustworthy. Within its limits his presentation is more comprehensive, however, than any other that we possess, and the facts that he has gathered, because of their minuteness of detail, are very welcome to the student;

but his volumes, which, in defense of my criticism, I must say I have read in every part with appreciation and care, over and over again, at critical junctures fail to tell us, or even to suggest to us, the very things that we most wish to know.

Why is the period important? In answering this question I shall divide the period into two parts and consider it from two points of view. First, let us take the years from 1695 to 1715, that is, roughly speaking, from the establishment of England's old system of colonial administration to the close of the war of the Spanish succession and the accession of the House of Hanover. It is a fact of which we are all aware that not until the years 1695-96 did England give to her colonial administration and commercial policy its first systematic form and application. Between 1651 and 1695 she had legislated in a series of navigation acts, but she had not attempted to apply the system rigorously. The efforts to administer the colonial territory by royal officers other than governors, or to enforce the laws of trade with thoroughness in the colonies, except it may be in Barbados and Virginia, do not appear to have been more than occasional. The efforts were certainly not systematically maintained. Before 1695 the colonial administration was without form and incomplete; after 1695 it became, as far as it ever could become, a system.

Let me illustrate. After 1695 we have (1) a navigation act, which, through the setting forth in great detail the method and the instruments whereby it was to be administered, provided, as none had done before, for its effectual application; (2) a permanent board of trade, which was established for the first time and the functions of which included the concerns of both trade and plantations; (3) a more systematic, complete, and thorough organization of the routine work of the board, and of the material which came to its hand for record; (4) the substitution in the colonies of a more regular and orderly body of royal officers for the occasional collectors, commissioners, naval officers, and general overseers, who had represented the interests of the home government before this time; (5) the establishment of an elaborate admiralty or vice-admiralty system, with a full equipment of officers, judges, registrars, marshals, attorneys, and the inauguration of a regular court procedure, such as was followed in England; (6) the drafting a few years later of a set of new instructions for the royal governors, in which special stress was laid upon a vigorous enforcement of

the home laws. Thus the period was marked at its beginning by a strengthening of the old British colonial administration all along the line; an administration destined from this time forward to come more and more under the control of parliament and to pass from the hands of Crown and council who had hitherto directed colonial affairs. No writer has, however, made any proper attempt to emphasize this fact or to tell us, by careful attention to details, how the experiment worked. Yet, so far as it concerned all the colonies together, it is the most important phase in their history after 1689.

Then, too, we must take another view of the matter. It is not enough to note the more elaborate shaping of a British colonial policy; we must remember that the attempt to enforce such a policy was made during the years following the battle of La Hogue, the last years of the Palatinate war, which saw the beginning of England's naval supremacy, and during the early years of the war of the Spanish succession, which lasted for twelve years. It would not be difficult to show that the attempt to enforce the colonial policy during this period of persistent warfare was no mere coincidence; that these two aspects of the period in question were closely related; but, be this as it may, it is not too much to say that the history of every one of the twelve colonies was shaped and colored by the more stringent application of a colonial administration and the war of England with France and Spain. The war threatened the peace of the colonies, endangered their security, intensified England's desire to use the colonies as a source of naval supplies and led to the bounty act of 1705, and rendered the colonists more liable than ever to charges of breaking the laws and of failing in their military duties to the mother country. I know of no period when the complaints of royal officers and English merchants in America were so frequent and loud, when seizures for illegal trading were so numerous, when the relations between the royal officers and the colonists were so bitter, and when the rights of the Crown and the rights of the inhabitants were more difficult to distinguish as in the years from 1690 to 1715.

During this period Penn surrendered his rights to the Crown for two years, 1692-1694, and nearly did the same a second time in 1710-1712; the proprietary of Maryland was forced to give up his province in 1691, and his successors did not regain it until 1715; the proprietaries of New Jersey, wearying of

their task, resigned the government permanently in 1701, while during the same period the way was prepared for the surrender of the Carolinas, which was effected in 1720. Yet of this time of distress, despondency, and conflict we have no adequate account; that is to say, no account which gives us on one side a view of all the colonies taken together, on the other such detail of the working of the British system and of the effects of the war as shall make it possible to determine with some measure of precision their influence upon the internal development of the colonies. Perhaps we have the "essential features," but these are often nothing more than loose generalizations. Let us have the exact details, not of the laws on the statute books, but of the actual working of the system in the field, that reliable conclusions may be made possible.

The second portion of the period from 1715 to 1750 is of a very different character. A great change came over the colonies. There was no war, no constant danger from the French and Indians, no menace to their shipping at sea; and with the relief from the strain and excitement of war the colonists began to gain steadiness and stability. About the same time an important change took place at home. Queen Anne died, the Hanoverians came to the throne, and with George I came Townshend, Stanhope, and Walpole. Then followed that policy of "wise and salutary neglect," as Burke called it, when the home Government, giving up its attempt to carry out with anything like the same rigidity the laws of navigation and trade, suffered "a generous nature to take her own way to perfection." The result was that both politically and economically the colonies advanced along the line of a normal development. On the political side, the legislatures in their struggle with the royal governors, of which there were eight, and after 1720 nine, gained steadily in importance and influence, and approximated a common type. On the economic side, the colonists became traders and manufacturers on their own account, and entered on an era of progress and consequent prosperity. The old conflict went on, but under somewhat different conditions. The English policy in respect of naval stores remained unchanged, the attempts to preserve the woods were continued, but we hear less and less of complaints from such officials as Randolph, Quarry, and Bass, and more frequent comments and suggestions of merchants and others interested in trade.

Such men as Keith, Gee, and Banister discussed trade and offered advice. A new naval stores bill was drafted, and from the conflict between the interests of the merchant importers and those of the colonists sprang the Hat Act, Iron Act, the bill of 1731 prohibiting trade with the foreign West Indies; which failed of passage in the House of Lords, and the Molasses Act. It was an era of no little debate and controversy regarding the extension of admiralty jurisdiction, the working of statute and common law in the colonies, the question of appeals and of the law covering appeals, the issue of paper currency, the establishment of land banks, and the solution of other financial problems; and then, too, the era was characterized by that greater issue of the charters and by the many attempts to bring the proprietary and charter governments under the direct control of the Crown.

St One notices an unmistakable difference between the two periods. In the first the colonists are in distress and are rather browbeaten than otherwise by the home Government; in the second they are standing alone in an attitude of confidence and strength, able to hold their own in the struggle with the home Government. One has only to read an order in council of the year 1752, which speaks of "the greatly improved condition of the plantations of late years, the greatly increased wealth of the subjects, and the great increase of the navigation of the Kingdom through the mutual interest between the Kingdom and the said colonies, and the trade and commerce arising therefrom," to appreciate the situation at the end of the half century.

✓ In these two periods there is a rich field for original study, and I have indicated a few only of the most evident subjects that need examination. To my mind it is not essential that we should know what subjects to study beforehand, but rather is it important that we should know what material is available and let that guide our thoughts.

What material is there? If I mention chiefly manuscript material, it is because there is chiefly manuscript material to be mentioned. First and foremost is the collection of papers in the archives of those commissions, committees of the council, etc., that had to do with trade and plantations before 1696, and of the board which existed from 1696 to 1783. I am speaking of no newly discovered series of documents. The papers—the official records of England's colonial administration—have

been used by historical writers for a century. Chalmers in his *Political Annals and Introduction to the History of the Revolt of the Colonies*—works too little used to-day—quoted largely from them, and they have been referred to more or less since that time. In Chalmers's day access to these documents was almost impossible; as an official and secretary of the board of trade, he was given special permission to make use of the papers; but for others the task of consulting them was made exceedingly difficult because of the restrictions imposed. We have only to read Mr. Brodhead's description of the condition of things in 1843 in the State Paper Office, to which the board of trade papers had been transferred a few years before, to appreciate the grave difficulties under which an investigator labored at that time. Even as late as 1854 no one under the rank of a privy councilor was allowed access to any of the libraries or rooms in the State Paper Office where the papers were kept. After 1862, however, when all the English state papers were finally collected and placed in the public record office in Chancery Lane, all that was changed. Access to the board of trade or any other colonial papers of date earlier than 1760 was made as easy to the student as is access to any of the manuscript materials in our own State or historical society archives; and within the last few years, through the efforts of Mr. Maxwell Lyte, this date has been extended to 1802.

The colonial office records—as they are officially called—can be divided chronologically into two parts, those before 1689; those from 1689 to 1783. The first consists of two groups, (1) Colonial Papers, 72 volumes, (2) Colonial Entry Books, 110 volumes; the second of two different series, (1) those entitled *America and the West Indies*, 269 volumes, consisting of the correspondence with the Secretary of State, (2) the Board of Trade papers, 860 volumes, consisting of the correspondence with and the papers of the Board of Trade. The latter are of three varieties: Original documents, entry books, and the journal. The entry books contain extracts from the original documents and also copies of representations to the King in Council and to Parliament, which unless printed, as is the case with a few of the most important, are nowhere else found except, it may be, in the Privy Council Register or the records of Parliament. Taken all together the volumes of original documents and the entry books, of date before 1760, number

767; those of the Journal 93. There are some additional volumes of correspondence with the East and West Indies, etc. The number of all the volumes containing material for the period before 1760 is between 1,100 and 1,200; if we extend the period to 1783 the number rises to about 1,500.

Of this material, which is of priceless value, much has already been made accessible in this country. Of printed material we have the Sainsbury and Fortesque Calendars of Colonial Papers, America and the West Indies, 6 volumes, covering the period from 1574 to 1685; the Documents relating to the Colonial History of New York, 15 volumes, gathered by Mr. Brodhead and printed under the editorial supervision of Dr. O'Callaghan; the North Carolina Colonial Records in 10 volumes, edited by Mr. Saunders; and many single documents and groups of documents in the collections of the Massachusetts, Connecticut, New York, New Jersey, and other State historical societies. Of manuscript copies there are many to be found in the Massachusetts and other historical societies' archives, notably those of the Virginia Historical Society, and the copy of the Journal, now in process of completion by the Pennsylvania Historical Society, will always stand as a monument to the energy and largeness of view of the late librarian of that society, Mr. Frederick D. Stone.

Of all these collections, only the first and last are complete either in plan or content; the others are partial, in that each has to do with the history of only a single colony. But the Calendar has not yet reached the era with which we are concerned, and the Journal, indispensable as it is, is valuable rather for the subjects to which it refers than for the material which it contains. No examination of any of these collections can give the general view of all the colonies or leave the impression regarding their relation to the home Government that would the consecutive reading of the 31 volumes composing the series called Plantations General. I am convinced that not only will the period from 1690 to 1750 not be understood until all the volumes of Colonial Papers in the record office have been systematically exploited, but that a complete history of our colonies will not be written until this is done. Furthermore, unless a full list of references be given beforehand, no student can approach these volumes with a given subject in mind and expect to find easily all the material bearing upon it. Every investigator should read through the Plantations General, Pro-

prieties, and the Journal before attempting to write upon any particular subject. With the knowledge gained from a reading of these papers, the student will be able to turn intelligently to an examination of the other, and more special collections of documents.

And there are other papers that should be examined as well as those of the Board of Trade—the Treasury papers, which have been largely calendared, but which can be studied in manuscript to the year 1759; the Admiralty papers, which exist in two series open to the year 1799, one referring to the courts and the trials and condemnation of prizes, the other containing all business of the Admiralty commission, such as appointments, complaints, and the like; the privy council register, the journal or entry book of the privy council's actions, which though of value before the year 1696, seems to be of less worth after that date, because all the resolutions taken by the council relating to the colonies were copied and sent to the board and are included in its papers.

But outside the Public Record Office and the government offices in Downing street there exists material for colonial history, and especially for the period in question of which students in America in general know too little—material that will throw light where light is needed upon the actual working of the British system in America. At both the British Museum and the Bodleian Library in Oxford a warm welcome is given to the student who comes with serious purpose. I have no time to discuss the character of this material. It may be enough to say that at the museum the Harleian, Sloane, Egerton, Hargrave, Lansdowne, Stowe, and additional manuscript collections, of which there are printed catalogues, are full of documents relating to America and the history of the period under discussion. For the collections in the Bodleian, notably the Rawlinson papers, there are admirable catalogues issued by the Clarendon Press, which show that there exist among these papers letters from Atwood, Bellomont, Nanfan, and Cornbury in New York, Coxe in New Jersey, and scores of others not to be found in O'Callaghan's volumes. In this connection it may not be out of place to call to mind the manuscript tracts relating to America found in the Bodleian Library by Prof. Thorold Rogers and printed in the annual report of this association for 1892. Of a character similar in many respects to the material existing in the British Museum and



the Bodleian Library is that brought to light by the Historical Manuscript Commission and printed in part or in abstract in certain of the volumes which make up their fifteen reports. Much of the evidence relates to the period of the Revolution and has been made use of already; but there is no little that concerns the earlier years of the eighteenth century which may be discovered without very great labor by the use of the excellent indexes appended to the volumes.

But manuscript material useful for the study of our history from 1690 to 1750 is not all to be found on the other side of the water. For students who can not go to England or who shrink from the expense of getting documents copied abroad there is a rich field right here at home in the unprinted contents of State archives and the documents deposited in the muniment rooms of the historical societies, or kept, when of an official and local character, in the offices of town or county clerks. Anyone who has used the Hutchinson Papers, the Andros Tracts, the Sewall Papers, the Penn-Logan Correspondence, or the Spotswood and Dinwiddie Papers knows how much light this material throws upon the daily life and doings of the colonists; and no one who has fully appreciated the new information given in the Talcott Papers, published within a few years, and knows that other papers of a similar kind are in existence, who has seen the great collection of unprinted and but partly collated Penn Papers, which the author of the History of Proprietary Government in Pennsylvania has used to such good advantage, or who has noted how skillfully Mr. Bruce has woven into his economic history evidence from the unprinted county records of Virginia, will doubt that there is still material to be discovered and exploited on our own ground.

And there is yet another phase of the matter that may well demand the attention of the student of British colonial and administrative policy and of the commercial expansion of the colonies themselves. The British colonies in America extended from Newfoundland on the north to the Leeward Islands and Barbados on the south, whereas we have been too much inclined to deal with the subject as if there were only thirteen colonies whose history needed to be studied. I believe that a reasonable attention given to the history of the Canadian and West Indian colonies will help to elucidate phases of our early commercial history and of British colonial methods. For all these colonies there exists large quantities of material in the

colonial office records, but attention may be called to another source of information. There is to-day in Halifax a collection of some 600 volumes, made by T. B. Atkins, who had charge of a commission appointed by Howe after 1868, containing material of a valuable character—old papers found in the provinces and excerpts from originals in London, Paris, and Boston, dealing with the period from 1710 to 1749, and relating to all matters touching Nova Scotian history. These papers, which are well arranged, bound, and indexed, are now being in part calendared by Professor MacMechan, of Dalhousie College.

There is another class of material which I think has not been sufficiently studied by students of the political and commercial history of the colonies in the eighteenth century, and of which I should like to say a word in closing. We are all aware of the close connection existing between the political, military, and economic aspects of our history; but I have felt sometimes that we have not laid sufficient stress upon the religious influences. Some indications noted in studying phases of the period inclined me to believe that certain phases of the conflicts which make up so important a part of the history from 1690 to 1750 may find a partial explanation in the growth of new religious sentiments and in the entrance into the field of the missionaries of the Society for the Propagation of the Gospel. I can only hint at my suspicions here; the subject is worth keeping in mind. The great collection of church documents is that of Bishop Perry, consisting of 2 octavo volumes for Connecticut, and 5 quarto volumes, 1 each for Virginia, Pennsylvania, Massachusetts, Maryland, and Delaware. These volumes contain largely letters and reports, mostly signed, but some anonymous, from missionaries and others of the society, which was chartered in 1701 and continued the pay of its missionaries until 1785. In the same volumes are also to be found letters written from the colonies to the archbishop of Canterbury and the bishop of London. Unfortunately Bishop Perry did not print all the documents in full, and the volumes are to a considerable extent made up of extracts. This fact will send the careful student back to the collection from which Bishop Perry got his material. This collection, consisting of 18 large folio volumes of manuscripts, is that brought to America by Dr. F. B. Hawks in 1836, and at present in the possession of the registrar of the Protestant Episcopal Church in New York. But the copies contained in

these volumes are not complete. In the Journal of the General Convention for 1838 is contained Dr. Hawks's own report, in which he says that he made copies from the manuscripts in Lambeth and Fulham and of those papers only that seemed to him "valuable and important." In the case of the S. P. G. Manuscripts he says: "I read the whole and caused transcripts to be made of such portions as were useful in illustrating our history." From this it is evident that Dr. Hawks's work may need to be supplemented by a further examination of the material in London if the student be convinced that such examination would be worth the while. What to Dr. Hawks or Bishop Perry (with church interests in mind) seemed "unimportant" may prove to be very important to the student with other questions before him, though, at the same time it must be added that so far as a comparison of the Hawks' papers with the originals has been made nothing of especial value has been found to be omitted. The S. P. G. papers consist of (1) 26 volumes of entry books, in which were made exact transcripts of the letters received from 1701 to 1736; (2) a series of original letters, roughly bound and rather badly classified, covering the period to 1799 and included in 23 volumes; (3) the journal of the society from the beginning, well kept and carefully indexed.

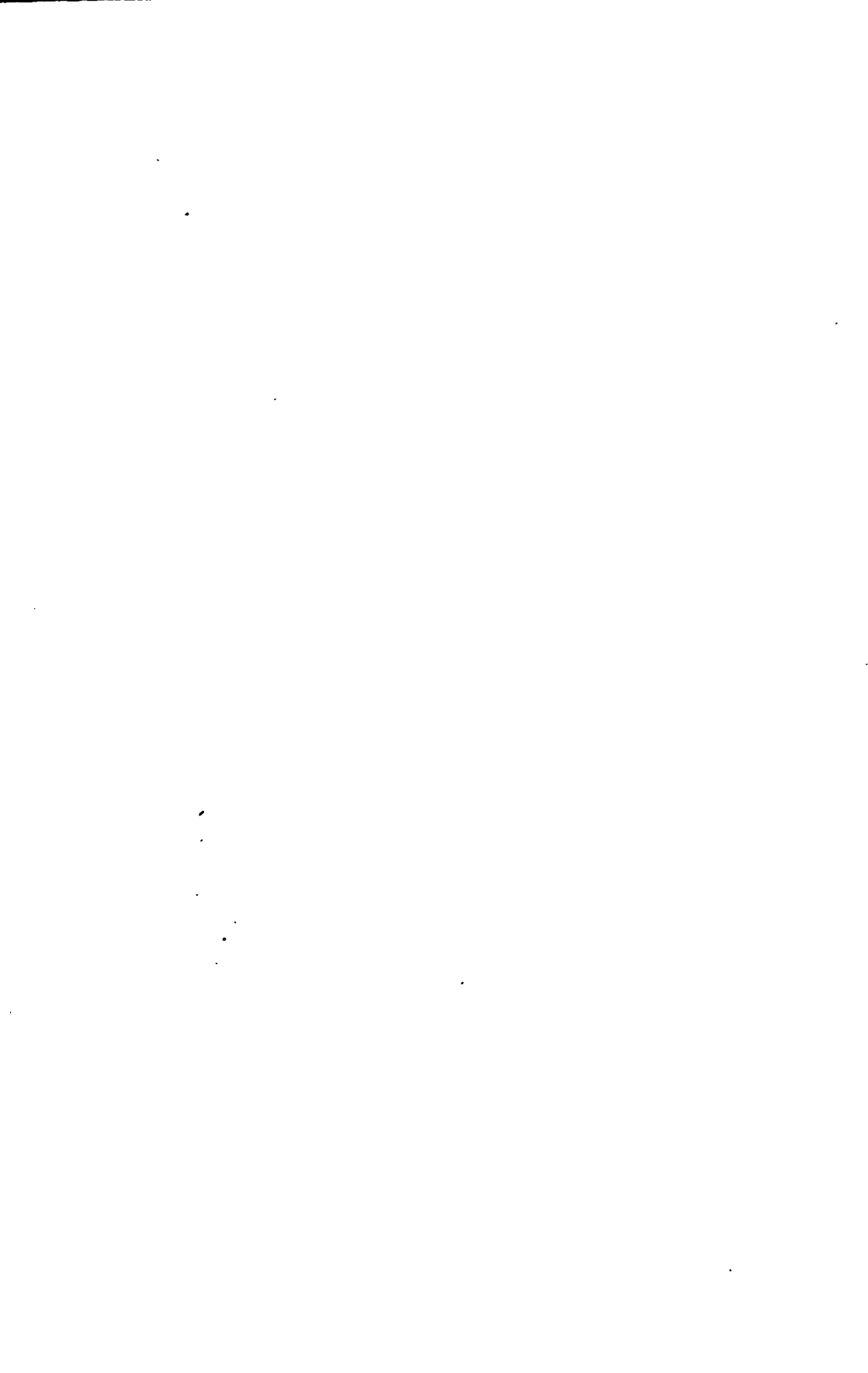
My time has not allowed me to do more than touch on certain aspects of the period from 1690 to 1750, and to call attention to certain classes of historical material that are indispensable in writing its history. The printed sources are generally known to scholars and are accessible. I have endeavored to lay especial stress upon the manuscript sources which my own experience has shown me are most useful. The period is an excellent one for the investigator, but, owing to the absence of striking incidents and critical movements, is not altogether an easy one. It is a period that must be studied and understood as a whole, for the phases of change and development are often hidden and the forces at work often slow-moving and obscure.

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VI.—STUDY OF AMERICAN COLONIAL HISTORY.

By HERBERT L. OSGOOD, Ph. D.,  
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## THE STUDY OF AMERICAN COLONIAL HISTORY.

By HERBERT L. OSGOOD.

Lord Acton, in his famous inaugural lecture, has selected the American Revolution as, in his opinion, one of the few historic events of which we have, in the main, a view so clear and satisfactory that they "show here and there like Pacific islands in the ocean." Whether or not that statement can be fully and truthfully made concerning the history of the Revolution, it certainly can not be made concerning the period which immediately preceded it. The seventy years lying between 1690 and 1760 is to a large extent an unknown period. Save upon the external history of the French and Indian wars, absolutely no satisfactory work of a general character has been done. Our historians come up to that period with a fairly full and comprehensive narrative, and then they become scrappy, inconclusive, and largely worthless. Bancroft's treatment of the colonial period, as a whole, is little more than a sketch, and he disposes of British administration in the eighteenth century, so far as it was not directly concerned with military affairs, in about three chapters. The last two volumes of Mr. Palfrey's work are the weakest of the five, and there are other reasons for this besides the effects produced by sickness and age. The stream of Mr. Doyle's narrative, which began with so broad and even a flow, seems to have lost itself somewhere in the desert of the middle colonies, and, we fear, will never even reach the opening of the eighteenth century. We hope he has not been diverted and delayed by efforts to prove the survival and extension of Dutch institutions and influences in America. Mr. Fiske is the only historian who at present boldly undertakes to span the gulf, and it will be interesting to see how strong and beautiful may be the structure which he will throw across it. If in the meantime we fall back upon the writings of the State historians, we shall find

that they either fail us altogether or show their worst limitations and defects within the period of which we are speaking. The simple fact of the case is that we have in print scarcely an approximation to a satisfactory treatment of American history in the early eighteenth century. This being true, we may surmise that the history of the colonial revolt may not have been quite so satisfactorily written as Lord Acton thinks; for it is hard to understand how, if our knowledge and treatment of the previous seventy years are so imperfect, all the elements in the Revolution at its close could be thrown by the historian into proper relief. It is open to one who is skeptically inclined to believe that this has not been done, and that it will be impossible—as it has been impossible in the past—to write a satisfactory history of the Revolution till the half century and more which preceded it shall have been thoroughly investigated.

But more than this may truthfully be said. It is true that a vast literature upon the colonial period exists and that meritorious efforts have been made to deal with certain parts and phases of the subject. The historical societies of the country have devoted their attention chiefly to this portion of the field of American history. The writers of histories of the commonwealths have expended their efforts upon it. Biographies exist in considerable abundance. Local histories have been issued in large numbers from the presses of the Northern and Middle States. There have been editors and collectors of documents and sources and materials of all kinds. There has been no lack of zeal or labor. Some critical acumen has been shown in the treatment of the material immediately at hand. In some instances cooperative effort has been enlisted on a large scale for the elucidation of the entire period or of portions of it. At least four historians of large acquirements and abilities have traversed the period or are in process of traversing it. Still another, by his genius and industry, has thrown a flood of light on the relations between the colonies and new France. Foreign as well as American historians have borne an honorable part in the work.

But when all has been said which it is possible for a just or generous critic to say in approval of the work accomplished, or of the spirit of those who have devoted themselves to it, it still, I think, remains true that the colonial period of American history is not well understood. The reader of the books

written upon it will find himself contemplating a multitude of events, many of them petty, none apparently of very great importance, some occurring on one side of the Atlantic and some on the other, and between them all he will often fail to discern any clear connection. Those events which occurred on this side of the ocean he will find distributed among about twenty colonies, all of which are treated as if their organization and the trend of events within them were much the same. The history of each colony is often treated as isolated or connected only with that of its immediate neighbors; that they all played a part in a common development, and just what that development was, are facts which have never been clearly brought out. The history of the colonies outside of New England has been very imperfectly treated, and New England ideas have too much dominated the views taken of conditions existing within them. In short, until recent years the old-fashioned general history has held the field to the exclusion of everything better, a type of history which has become antiquated. The State history still is of that character. It stands somewhere between annals and well-digested historical composition, usually nearer the former than the latter. Its author has, as a rule, failed to distinguish between the really important and the insignificant facts and forces with which he has had to deal. Petty local details have often, if not usually, occupied a position on his pages of prominence equal to the leading world movements in which his colony bore a humble share. Little power of selection or of logical criticism has been shown in his treatment of his material. Intense local patriotism usually existed in his mind, but of satisfactory knowledge of the history of the world in general, of the relation in which his subject stood to it, of the history even of colonization, he has shown little knowledge. Of training in the collecting, sifting, arrangement and presentation of historical materials he, as a rule, has had none. With such work as this, worthy and useful though it has been in its day, we can no longer be content. In the interest of American history in general the greatest need to-day is the critical investigation and exposition of the colonial period as a whole and with a view to the ascertainment of its position in the general history of the world. Besides the much more extensive printing of the documentary sources, we need in the treatment of this period correct general ideas and an abundance of them. The material which is accessible and that



which can be made so should be fused together, so that the meaning which it contains may be revealed. This can be done by keeping in mind what the essential nature of this period is.

In the study of the first two centuries of our existence we have to do with the history of special jurisdictions and of their relations to the sovereign power from which they sprang and by which they were in a measure controlled. As it is at the same time a period of origins, it is remotely analogous in character to the old Germanic Empire, to France under the Capetian line of kings when the crown and the feudatories were in conflict; still more remotely to England in the later Saxon period, when the central power was struggling against centrifugal tendencies. In treating of the history of anyone of these periods it would be absurd to fix attention exclusively upon either the feudatories or the power which claimed and was trying to assert sovereignty over them. Both should receive that share of attention which accords with their importance in the system. The same is true of the history of our colonial period. It was a period of attempted empire-building, and the imperial, as well as the colonial, side of the subject should be properly and fairly treated.

How, then, may one deal with the colonies in order to show the significance of their development? The answer to this is clear, that they should be treated comparatively in groups, classified according to the internal political organization of the colonies. The grouping of the colonies according to location, into northern, middle, and southern, arises largely from economic considerations and throws little light on the fundamental tendencies of the period. It causes more confusion than it removes. Only when the classification is based on political forms will the relation of the colonies to the great questions of independence and imperial control—the deepest issues of the period—be revealed. Two of these forms, the corporate, or New England type of colony, and the royal province, tended to become permanent; the proprietary province was in its essential nature transitional, and in any event must have passed away. As soon as the tendencies within the system toward independence triumphed, the colonies organized themselves as self-governing commonwealths, substantially, that is, in harmony with the form of the corporate colony. Had the opposite tendency, that toward rigid imperial control, prevailed, the royal province would have become the sole form of colonial

government, and the provinces would in some way have been combined into a system under a central colonial government. So far as the internal organization of the colonies is concerned, the most striking fact in the history of the first half of the eighteenth century is the development of the royal province as a form of colonial government. During that period, or a little before it, New Hampshire, Massachusetts, New York, New Jersey, both the Carolinas, and ultimately Georgia, became organized according to that plan; while Maryland was, as to government, a royal province from 1690 to 1715, and the governmental powers of William Penn were suspended during 1693 and 1694. To these facts are to be added, as indicative of the tendencies of the time, the proposals for the recall of all the charters which were repeatedly made in Parliament, and the declarations favorable to this which were uniformly made by the board of trade and by many of the administrative officials in the colonies. A movement so general as this must indicate and proceed from a deep seated tendency. It resulted from the breakdown of the proprietary governments, both for colonial and imperial purposes, and from the need which the imperial officials felt of securing a well-ordered executive system within the colonies themselves. The moment either a corporation or a proprietary province was transformed into a royal province, the king secured within the colony in question a governor, a council, a surveyor-general, receiver-general, attorney-general, a secretary, and usually a chief justice, besides other subordinate officials, who were appointed directly or indirectly by himself. The gain thus for the purposes of imperial administration was most important. The royal province, for the reason that it had a royal executive system, was the only form of colonial government which was fitted for the attainment of imperial objects and ends. Its development on so large a scale affords the strongest proof that the administration of colonial affairs, in spite of the neglect of Walpole and the inefficiency of Newcastle, tended to become more systematic and continuous. Its character as an institution, its relation to the home government, even its external history, has never yet been the subject of anything like systematic study, though it is safe to say that there is no subject within the entire field of American history that is more worthy of attention.

I would treat the royal provinces comparatively and from the institutional standpoint, with reference also to the general

political and social conditions both in the colonies and in Europe which helped to condition their existence. I would study the origin and transmission of power within them, the organization and powers of the executive and legislature, and the relations between the two as they unfolded through the entire history of the provinces. That constitutes the central thread of their history. In the light of that I would study the fiscal, judicial, military, and ecclesiastical systems of the provinces, their local government and their social development, all of these, not only for the purpose of showing what they were in themselves, but how they contributed to the life of the provinces in its totality. The political and constitutional side of the subject, it seems to me, should be given the first place, because it is only through law and political institutions that social forces become in the large sense operative. The directions which these forces take are also largely determined by the political framework within which they act. They are ever modifying institutions, but it is by acting on and through them. The process of experimentation and change which we call development can be clearly revealed and the meaning inherent in such process brought out only by reference to the action and reaction constantly going on between the conservative and progressive tendencies in society, both of these acting upon and around established institutions. Guided by this thought, the special investigation of each one of the royal provinces should be looked upon as only preparatory to the use of the information thus obtained in a broad generalization which shall include all the provinces of the class. When that has been satisfactorily made, and not till then, can we begin to draw conclusions which shall be based upon adequate knowledge as to the relative strength of political tendencies within the colonies during the first half of the eighteenth century.

On the one side it has been asserted that the main tendency in our colonial history was toward independence; on the other, that nothing was further from the intention of the colonists than independence. There is truth in both contentions, but which contains the larger and deeper truth remains yet to be determined. Before that question can be answered, we must know, indeed, not only what the royal province was in the widest sense, but what the tendencies were under the other forms of colonial government—the corporation and the proprietary province—and in what direction they all moved on

together during the entire course of our colonial history. The life of a single colony often seems petty and unimportant. When treated in isolation and as if in a static condition, it rightly appears so; but when its place is found in the general current through which as colonies we moved, the history of each one of the number takes on a new interest and significance. If I mistake not, the social elements which contributed to the life of each colony—its land and trade systems; its population, with its diversity of origin, of religious belief, of social custom; its local government—will appear in their true place and with a new and enhanced meaning if they are treated, not as ends in themselves, but as means contributing toward the large political results of the period. We are dealing here, so to speak, with specimens in a collection. They resemble one another in their outlines and in many of their details, but each has its individual peculiarities and distinct history, and by the variety which it contributes increases the interest of the whole.

But the royal province has still wider relations than those we have just indicated. If one were writing the history of a colony of the New England type or of a proprietary province, he might to a large extent ignore England and confine his attention to local development. He would need only at intervals to refer prominently to interferences by the home government. In the case of the royal province, however, this is not possible. The king was its proprietor and was thus in the true sense its executive. The governor was only his agent, and subject at all points to his guidance by instructions. Other leading officials of the province, as we have said, stood in a similar relation, notably the members of the council. The council, besides being the governor's advisory or privy council, was the upper house of the legislature. Through them, as well as through the governor, the influence and control of the king was brought directly to bear on the legislature as a whole, the central organ of the province. An intimate organic relation thus existed between the crown and the province, and not a step of importance could be taken in the latter without contact with and possible direction or restraint from the former. It thus appears that the development of the royal province was closely connected with the general current of English colonial policy. All the great controversies by which the legislature and its constituents were moved were directly or indirectly controversies with the king. The organization

and policy of the provincial executive can not be understood without constant reference to the king. Instructions then, though they had not the force of statute law, contained material of the greatest importance for the study of the period we are now discussing. But who, until very recently, has made an effort to collect them, much less to analyze and utilize their contents, or to study their effect? Who has ever devoted any specific attention to the colonial agent, as another bond connecting the colony with the home government? Who, save Mr. Goodell in the case of Massachusetts, and to an extent the editors of the new edition of the Pennsylvania statutes, has attempted to find out what the privy council did with acts of the provincial legislatures which were submitted for its approval or disapproval, and the reasons for its action? Who, save possibly Mr. Bancroft, has made a serious effort to familiarize himself with the correspondence which passed between the governors and other officials in the colonies and the various administrative boards and officers in England? And Mr. Bancroft gave to the world very scanty and imperfect accounts of his researches in this direction. These subjects must be classed with the purely internal history of the colonies in the eighteenth century as awaiting adequate investigation and treatment. The best discussion of the royal province in general with which I am acquainted is in Long's *History of Jamaica*. For a great people like ourselves, it is somewhat humiliating to have to resort to an historian of a little West India island for elementary information about the most important form of colonial government which ever existed among us.

In the second place, we must look at the period under consideration not only from the colonial but from the British standpoint; full justice must be done to both sides. To that end we need to understand better than we do what the old British colonial system actually was; how and from what policy and under the influence of what ideas the affairs of the colonies were administered; what was the scope of the rights which the home government had over them; how far these rights were exercised and to what extent they were allowed to lie dormant. This matter should be treated not as something foreign to the colonies, but as a part, a condition of their existence. The acts of trade, for example, were a natural and necessary phase in the development of colonization, not, as

Bancroft persists in calling them, "a badge of servitude." Under the conditions which then existed, it is impossible for a rational man to suppose that England could have maintained a system of trade relations with her colonies which would have been less burdensome than she did uphold. The great need in the treatment of this subject is adherence to the principle of historic relativity, and a genuine effort to show what the policy was and how it worked at the time, rather than to pass hasty judgment upon it based upon latter-day ideals.

But the old British colonial system was much more than a commercial system. It had a political side as well. The board of trade, as authorized by its commissioners, not only exercised a superintending care over commercial relations, but it transacted quite as much business of a political and general administrative character. In order to an understanding of the British colonial system the first requisite is an investigation of the powers and relations of the officials and boards in England which were concerned with colonial affairs. This was the machinery through which control over the colonies was maintained. We need to know not only what their functions were, but the actual history of their administrative work. In this way only shall we come to understand what the traditions and spirit of the old English administrative system were, and be able to compare it with the spirit and traditions which were growing up within the colonies. Monographs upon the history of the privy council, the secretary of state, the board of trade, and the other boards in their relations with the colonies would be most interesting and valuable.

The record of the work of these functionaries in the various lines of governmental activity constitutes the history of imperial control over the colonies, and is, taken in its totality, the history of the British colonial system. When we fully know what the various organs of the British Government did in relation to the colonies in the domains of ecclesiastical, commercial, military, and judicial affairs; what control they exercised over colonial legislation, and, to crown the whole, in what ways and how far the sovereign control of Parliament was exercised, we shall understand what the British colonial system was. Nothing short of that will reveal satisfactorily the position held by the colonies under the superintending power of the home government within the growing British

I think some of us have long felt, that there are stores of material useful to students of American history which lie in scattered items all through the volumes of the Historical Manuscripts Commission, which therefore are much less used than otherwise they would be. I dare say Professor Andrews, and perhaps others, would be glad to know that in the next report of the Historical Manuscripts Commission will be given at very considerable length a list of all the items, of all the indications, relating to American history which are to be found in those 19 quarto and 66 octavo volumes.

The things that I had in mind to say came to my mind mainly, I think, in connection with the problem of suggesting proper subjects for dissertations, yet it may be that much of it will be equally applicable to all work of research by young historical students.

I have had the feeling that there was a certain danger that professors and older historical students, in making up their minds as to what were the greatest gaps in the present state of our knowledge, should immediately assume that those gaps ought to be filled by the work of the young historical students; that if a research is needed it is therefore an appropriate work for the young historical student. Now, very often that is the case, though very often it seems to me that it is not the case. Often the young student is started by his own impulse, or by that of some one older, upon a research in which the materials will all lie in a source of one class. Suppose, for instance, that the material for the study is in the executive journals of the United States Senate. This work may need to be done, but the young man, while doing it, is not given that full introduction into historical method that he should acquire at that particular time. My reason for urging that objection, which perhaps is not always appreciated, is that in very many cases, and I am not sure but that in the majority of cases, that special piece of research is likely to be the one piece of extensive historical investigation in which the young man will engage. While he is being trained we constantly think that we are training him to be an investigator and a writer. He gets his degree and, if fortunate, becomes a professor, and then he finds that he has too much to do; that he is too far from libraries to do much more historical research and writing. It is unfortunate that it should be so. He should be encouraged, always after, to bridge over that dangerous period in his mental development which accompanies the beginning of his hard work of teaching. But, nevertheless, it is often the case, and I think therefore that we should provide that that piece of historical research upon which he is first set should be something which will give him varied development.

So the bulk of what I have to say is in one proposition, that the appropriate subjects for historical investigation on the part of junior men ought, wherever possible, to be such as will lead them into a considerable variety of sources. All the emphasis this morning has been placed upon subjects of institutional history. Subjects in institutional history are very frequently open to the objection that the materials for them lie too much in sources of one character. The reason that they have been so much in favor as subjects for doctoral dissertations or for the work of junior men is, I suppose, that we have had the feeling or they have had the feeling that subjects of political history were things for which they

were hardly ripe; that it required a contact with affairs, or, at any rate, a long continued maturity of historical and political thought, to enable them to grapple with those more complex things. But I think that no one can have listened to the inaugural address which we heard with so much pleasure last night without being impressed with the still abiding value and importance of this very human element in history, and regretting that anyone should occupy himself too much with subjects of history which lie so largely in the abstract as many subjects of institutional history do.

I think there are some escapes from this dilemma. I think we are not shut up entirely to the dilemma of institutional subjects which lie largely in sources of a single sort, or subjects of political history which are beyond the range of young men. I should go beyond my five minutes in this discussion if I were to try to suggest many of them. I will suggest one which seems to me extensive and which seems to me to offer a good many opportunities for young men and to be based very frequently upon a considerable variety of sources; and that is, that the young student be encouraged to take for a topic a biography of just the right sort; I mean by the right sort (if a young man must be occupied, as most must, with American history because the materials are so much more accessible), the life of one whose career had its constant connections with both America and Europe, if possible with America and with several countries of Europe, so that he may be led into the pursuit of the sources of European history in several countries and of American history if it be possible. Or that he be given the life of some colonial governor, who, like Nicholson, was governor of several colonies, that he may be led at least to familiarize himself largely with sources of colonial history in several provinces. To illustrate what I mean I may take two or three instances which I have suggested to my students because I thought that educationally they would be valuable though I can not say there was enormous need of their being done. One such is Barbé-Marbois, for instance; suppose the student takes up the career of this man; he is obliged to go into the history of Santo Domingo; he is obliged to go into the history of the diplomacy of the United States just after the Revolution; he is obliged to go into the history of the French Revolution and the history of the Empire, into the history of the Louisiana cession, into the history of the Restoration, to a certain extent. And, to take another example, of another sort, take the brothers Jasper and Israel Mauduit; the man who pursues their history is led into the history of the German War and the foreign policy of England during the Seven Years' War; he is led into English colonial and commercial history, and the history of the Dissenters; he makes a contribution to the history of colonial agents, in the course of his study. Or, for instance, take the career of Miranda, certainly a very interesting, very pictorial, very juicy subject for a man to occupy himself with. That will lead him into the history of Spanish America, the history of Spain, the history of France, of the Nootka Sound affair, of Pitt's administration, of the French Revolution, through a very important and interesting epoch, and into the history of the United States.

Another variety of such subjects, that rest upon a number of sources, are those topics in the history of religion in the United States which have



been spoken of. American ecclesiastical history has been mainly treated as if it were a history of ecclesiastics; as if it were a history of denominations composed exclusively of clergymen, whereas, there is no country in the world where religious affairs have been so largely in the hands of the laity, and where religious and civil history have been so connected; and the study of many a topic in that field would be, I think, broadening and fructifying to the mind of the young student if he never wrote anything else.

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**VII—A FORGOTTEN DANGER TO THE NEW ENGLAND COLONIES.**

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## A FORGOTTEN DANGER TO THE NEW ENGLAND COLONIES.

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By FRANK STRONG.

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The transplanting of people has been a favorite method of solving difficult questions as to political sovereignty and the occupation of territory. This method was pursued against the Jews and was the one practically used by the Romans in their conquest of the world. So the occupation of the New World by England, France, and Spain had this idea at the bottom. England employed it in a stern fashion with the Acadians in 1755, and the spread of the United States from the Atlantic to the Pacific was a recurrence in some sort of this old principle. This method was early applied to the Irish problem, and renewed applications of the method made the fate of Ireland depend in some measure upon New England.

The danger to New England under discussion consisted in the removals and attempted removals of New England people to other countries between 1635 and 1660. The gravity of the danger to new communities not yet thoroughly rooted lay in the fact that these were organized movements, in the main, whose result would be a more or less general depopulating of New England. The subject naturally falls under three heads: (1) Early removals of New England people to the West Indies; (2) attempts by Cromwell to transport New England people to Ireland; (3) attempts by Cromwell to transport New England people to Jamaica.

The causes of the early removals were both economic and religious, although the first was by far the more important. We shall be in error if we suppose that all of the early settlers in New England were satisfied with their lot. Religious motives, to be sure, weighed heavily with them and they regarded New England as an asylum for God's chosen people. Nevertheless, one great cause of the early settlement of New

England was the desire of the colonists to better their worldly condition. They were, therefore, much impressed by the unfavorable elements of poor soil, harsh climate, lack of capital and of material for export trade. The New England theocracy, with its limiting of the franchise to those in church fellowship, had weight in the widely prevalent discontent, but the religious element did not in general lead to removals out of New England, but to changes of location in New England. The emigration to the Connecticut Valley from the towns about Boston, which was the earliest phase of this whole movement, illustrates in part this truth.

The economic conditions leading to removals were poor soil, harsh climate, lack of capital and of commodities for export, and the falling off of emigration. The most important proximate influence was the last, which made such products as the settlers had to dispose of nearly worthless. From 1620 to 1640 the influx of settlers into New England was large and constant. This kept prices high and conduced to the general prosperity. When the contest between Charles I and Parliament took on definite form, the emigration to New England at once fell off, prices declined, and ruin stared them in the face.<sup>1</sup> This continued for about twenty years, and during this time all the most serious attempts were made to depopulate New England. The threatened exodus was alarming enough to induce the leaders there to attempt to suppress it, and the whole disturbance was much more profound than is generally supposed. Massachusetts leaders, especially, were very jealous of any attempts to show destitution in New England, or that the soil was poor and conditions hard. A curious example of this is found in the case of Pratt's Apology, written in 1635. Pratt was a physician of Newtown, or Cambridge, and wrote a letter to England saying that there was nothing in Massachusetts but rocks and sands and salt marshes. The court of assistants heard of the letter and forced Pratt to make a written apology to the court.<sup>2</sup>

But a much more important man than Pratt had engaged in the attempt to withdraw people from New England. Lord Say and Sele was making great efforts to get settlers to Old

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<sup>1</sup> Winthrop, *Hist. of New England*, II, 103. "The sudden fall of land and cattle and scarcity of foreign commodities and money and thin access of people from England put many into an unsettled frame of mind, who concluded no prospect of subsisting here and made haste to get to the West Indies."

<sup>2</sup> *Mass. Hist. Soc. Colls.*, second series, Vol. VII, p. 126.

Providence Island off the Mosquito Coast, which had been granted to Pym, St. John, Lord Say, and others.<sup>1</sup>

There was some very spirited correspondence between John Winthrop, then governor of Massachusetts Bay, and his lordship on the subject of the attempt to break up the Massachusetts colony. Winthrop wrote a sharp letter to his lordship because, as he said, "It had come over by divers letters and reports that Lord Say did labor by disparaging this country to divert men from coming to us, and so to draw them to the West Indies."<sup>2</sup> Lord Say answered in a long and caustic rejoinder, in which he accused Winthrop of doing just what his lordship was charged with. He did not deny making an attempt to get men from New England to the West Indies, but did deny using any unfair means. He had merely used his own judgment and thus "persuaded men to think of a more southerly part of the continent."<sup>3</sup> He shows very clearly that he considered New England in the light of a temporary refuge for the Puritans and could see no reason why they should not now think of moving. This idea was more or less common in England for it was also held by Cromwell.

Lord Say's efforts led to considerable disturbance in New England. Winthrop is the authority for the fact that about 1639 many began to inquire about southern points and so made New England disesteemed.<sup>4</sup> He says in substance that those that had taken little root in New England were so captivated by the ease and plenty of the West Indies that they sold their estates to transport themselves to Providence. The dangerous feature, however, was that these people gave as their reason for removal that they could not subsist in New England.<sup>5</sup>

The leader in this movement was John Humphrey, whom Winthrop calls a "man of special parts." He labored hard to get recruits while the general court looked askance and

<sup>1</sup> The island of Old Providence, or Catalina, was granted to the governor and company of adventurers for the Plantation of the Island of Providence, Henrietta, and adjacent islands. The first settlement was made in 1630. See *Cavaliers and Roundheads*. N. D. Davis, p. 133.

<sup>2</sup> *Life and Letters of John Winthrop*, by Robert C. Winthrop, p. 248; Winthrop, *Hist. of New England*, I, 401.

<sup>3</sup> Same, App. VIII, p. 422.

<sup>4</sup> *History of New England*, I, 399, and II, 103.

<sup>5</sup> In this connection see Winthrop, *Hist. of New England*, II, 113. "Corn scarce at end of second month: many families in most towns had none to eat; ate clams, muscles, and dried fish."

tried to dissuade them. Many persisted, but had so much difficulty in getting a ship to transport them that Winthrop thought them crossed by the hand of God.

Both Endicott and Winthrop were very much disturbed by the threatened movement. About 1639 the material condition of Massachusetts was so bad<sup>1</sup> that Winthrop and others advocated sending an agent to England to raise money and men for New England. They submitted their plan to Endicott at Salem but he strongly opposed it; first, because it would confirm Lord Say and others in their judgment that New England could not longer subsist without Old England, especially in view of the forwardness of divers persons in New England to remove to the West Indies on the ground that they could not otherwise support their families; second, because the agents proposed by Winthrop were unfit for the reason that they, too, were infected with the desire to remove.<sup>2</sup> Hubbard says that the movement existed as late as 1645 to 1650, and that "many began to inquire about southern points, Virginia and the Caribbee Islands, and especially the Isle of Providence, which was much sought after. Many sold their estates in New England to pay for transportation of themselves and families to that Spanish island of which Lord Say and Sele was now Governor." Pressure was brought to bear and some turned back on the plea that their going would discourage others of their brethren in New England and expose themselves to a powerful enemy and a new climate. In the meantime a church was founded at Providence which begged for assistance from New England, and many were drawn there on this plea. John Humphrey and four or five other men of note, being thwarted in their attempts to get a vessel to transport them, went to England.

A colony of considerable size seems to have gone to Barbadoes about 1646 or 1647. Richard Vines, a physician and Gorges' agent in Maine, left New England in 1645 or 1646 and went to Barbadoes. He was a friend of Winthrop's and kept up a correspondence with him, from which it appears that several people, evidently from Massachusetts and well known to Winthrop, had settled there.<sup>3</sup> About this time Winthrop wrote to his son John about various matters at home and in

<sup>1</sup> See Hist. of Guilford, etc., by Bernard Steiner, pp. 68 and 69, as to condition of affairs in New England and the tendency to return to England.

<sup>2</sup> Mass. Hist. Coll., 4th ser., VI, 138.

<sup>3</sup> Hutchinson, Papers, etc., I, 222 and 223.

England, but in the postscript he adds: "Captain Wall came this day from Barbadoes. Mr. Allen and all our neighbors were safe arrived. \* \* \* Mr. Parker,<sup>1</sup> the minister, and Mr. Long, who married Captain Hawkins's daughter, are dead there."<sup>2</sup>

Lucy Downing, sister to John Winthrop, writes to Winthrop, jr., from Salem:<sup>3</sup> "My two sons, Jo and Robin, I bless God, are safe returned" (i. e., from Barbadoes), and goes on to say that one of them contemplates a return to the West Indies. Other parts of the letter give a vivid picture of the destitution in New England and of what was forcing people to the West Indies: "We have little news stirring, but where we shall get bread at the spring of the year is the general project. \* \* \* Our stiling I think might be pretty strong but that all the rye was eaten up almost before the Indian was gathered."<sup>4</sup>

The general spirit of unrest seems to have affected John Winthrop, jr., as well. When George Downing went abroad as religious instructor of seamen, there was some arrangement between the two that Downing should look carefully into the different West India islands as places to settle. Downing fulfilled his part of the bargain, and in his correspondence says in substance that he has looked up St. Christophers, Barbadoes, Antigua, and Nevis. He is sure that Captain Ashton, governor of Antigua, would give Winthrop any encouragement the island afforded. He also says: "Had I conjectured of your coming, I should have stayed either there (Nevis) or at Antigua." He thought that New England servants would be none of the fittest for those parts, and advised Winthrop to look elsewhere for servants.<sup>5</sup>

The rush to the West Indies did not last long, although it affected Old as well as New England. Emanuel Downing wrote to John Winthrop, jr., from London, May 5, 1645: "The people generally here now begin to disrelish the West Indies (as I wrote your father) and turn their faces toward New England, which is in better credit among all sorts and degrees than it hath been for some years past."<sup>6</sup> That the matter was not more serious is due to the firm stand taken by Winthrop

<sup>1</sup> This is a person spoken of by Richard Vines.

<sup>2</sup> John Winthrop, *Life and Letters*, R. C. Winthrop, II, 383.

<sup>3</sup> December 17, 1648.

<sup>4</sup> *Mass. Hist. Soc. Coll.*, 5th ser., I, 36.

<sup>5</sup> *Mass. Hist. Soc. Coll.*, 4th ser., VI, 536.

<sup>6</sup> *Ibid.*, 63.



and other leaders in Massachusetts against Lord Say and Sele and all who attempted to misrepresent the condition of affairs in New England.

Another thing that diverted the flow from the West Indies, although it did not help New England, was that the momentous struggle in England was absorbing their attention, and those who removed went back to the mother country to cast in their lot with Parliament. This number must have been considerable, for the Massachusetts general court, in its petition to Parliament after the navigation act, calls attention to the fact that Massachusetts had sent over men to fight for Parliament, besides those who went voluntarily.<sup>1</sup> Some of these, Winthrop says, were men of chief rank.<sup>2</sup>

But the execution of the King brought a breathing spell and opened the way for the overmastering ambition of Cromwell. He seems to have been in a general way friendly to New England, yet, as far as the continuity of the state already established there was concerned, New England had much to fear from Cromwell. His interest in New England was in great measure selfish, and New England was suspicious of the Protector, and careful to hold itself aloof. Therefore, while he was proclaimed by Stone in Maryland, he never was in New England. Cromwell's attitude toward colonies in general did not depart from the traditional colonial policy of the time, and no act of his official life indicates that his colonial policy, if he had lived to carry one out, would have been enlightened or liberal.

From the time he was sent to conquer Ireland, Cromwell never relinquished the idea of transplanting New England people to the Old World, or to some other place in the New where they would minister to his ambition. If he had succeeded, the state then well started would have been either annihilated and the development of this part of North America greatly delayed, or the whole character of the government, the whole moral, intellectual, and religious aspect of New England, would have been changed. Cromwell, long before he came to the head of the Government, had a plan of his own for the settlement of the Irish question. In fact, he went ahead as if he were already the sole authority in the Government, and it was natural that Cromwell, with the consent and approbation of

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<sup>1</sup> Hutchinson, *Hist. of Massachusetts Bay*, 2d ed., p. 516.

<sup>2</sup> Winthrop, *Hist. of New England*, II, 181 (year 1642).

Parliament and the Puritans in general, should fall back on the old system of transplanting in connection with Ireland. His plan included, first, the depopulating of Ireland by transporting the inhabitants in great numbers to the Continent, New England, Virginia, and the West Indies, the men to serve in the French and Spanish armies, the women and children to be sold as slaves in the New World; second, the refilling of the island with a thrifty, industrious, and stable population which should at the same time revive trade and industry and be satisfactory to the Puritanism of the time.

The reason Cromwell turned to New England people is plain. They were Puritans of approved metal; they had been schooled in adversity and had demonstrated their ability to overcome great difficulties in the settlement and development of a country. Late in 1649 or early in 1650 he began systematic efforts to get New England people into Ireland. He wrote to New England for settlers and especially for missionaries. To whom he addressed himself can only be conjectured. There is no trace at this time of correspondence between Cromwell and anyone of Massachusetts except John Cotton, to whom Cromwell wrote early in October in answer to a letter of July, 1651. Samuel Desborough, however, who was close to Cromwell, kept in communication with Cotton. But Cromwell and Cotton were brought into communication by William Hooke, of New Haven, with whom Cromwell was frequently corresponding just at this time. Hooke in turn was intimately known to Desborough, and New Haven was the colony with which Cromwell was most closely connected.<sup>1</sup> Probably, therefore, the matter was managed by Hooke and Desborough through John Cotton, of Boston, and William Cobbet, of Lynn.

However that may be, six men of Massachusetts, four of them ministers, made answer to Cromwell December 31, 1650.<sup>2</sup> They were Peter Bulkley, of Concord; Thomas Cobbet and Samuel Whiting, of Lynn; John Knowles, of Watertown; Daniel Dennison, of Boston, and John Tuttle, of Ipswich. Their answer shows that Cromwell had made very definite offers, and to others besides the six here represented. It shows, too, that in his letter he had offered to do his utmost to further their removing thither and for their safe and comfortable habitation there, as well as for their "enjoying the Lord

<sup>1</sup> Papers relating to Massachusetts Bay, p. 233.

<sup>2</sup> Sir Henry Ellis, *Original Letters*, 2d ser., 3d vol., p. 360.

in his ordinances." It is clear from the letter, further, that Cromwell contemplated a more or less organized movement, of which he expected these prominent men to be the leaders. Their answer was very cautious and indefinite as well as servile, and committed them in no way to Cromwell. They, however, laid down conditions for Cromwell's consideration on which they might be induced to emigrate.

These conditions, on a separate sheet of paper, accompanied the letter, and explain the noncommittal tone.<sup>1</sup> They were very hard ones to meet, and some of them could not be complied with by Cromwell because he had no authority to do so, and what Parliament might do was a matter of conjecture. They are especially significant in another way. They show that these men contemplated as possible a general government, with themselves at the head; they show formulated plans, unanimity of feeling and design, a pretty thorough knowledge of the state of affairs in Ireland, of the conditions to be met, and the class of people to be affected. It seems certain that men of their prominence did not write a letter of this kind without reflection and a full understanding of what they were undertaking. It seems certain also that the combined efforts of this company of men to organize an emigration to Ireland covered nearly a year.<sup>2</sup>

Why did they then suddenly cease their efforts, and why did this movement come to an abrupt termination? The main reason lies in the determined opposition on the part of the authorities of Massachusetts. The anxiety and alarm produced by this organized effort were great enough to bring the Massachusetts general court to an unwontedly bold and open stand against Cromwell.

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<sup>1</sup> They demanded: (1) The same liberty of worship that they had in New England to be established by the State of England; (2) proper outward encouragements in houses and lands by Parliament or the council of state; (3) land for free schools and colleges; (4) free choice of a military governor from themselves or of nomination by them of some other person; (5) land in a healthful part of Ireland; (6) assistance "in regard of the meanness and inability of these godly persons who had or might join them to transport themselves;" (7) freedom for some years from public charges; (8) to have no Irish "but such as we shall like of" inhabit among them; (9) convenient time to transport themselves.

<sup>2</sup> It is a strange feature that, while Cromwell was trying to induce people to go to Ireland from America, Irish and Scotch captives were being shipped to New England and Virginia as a sort of compensation. See letter of John Cotton to Cromwell, 1651, in which he speaks of Scottish captives sold as slaves in New England for six, seven, and eight years. Also, Colonial State Papers, Vol., 1574-1660, p. 407, tells of four hundred Irish children shipped to New England and Virginia to be sold as slaves. See also Coll. Original Papers relative to Hist. of Mass., p. 233. Also Colonial State Papers, 1574-1660, p. 401.

Near the close of October,<sup>1</sup> 1651, the court addressed a letter "To the right honorable his excellency the Lord General Cromwell," to the end that no private information might occasion him to prejudice the colony by inviting over many of the inhabitants to be transplanted to Ireland. The reasons given for this request were set out at considerable length. Only two of these concern us especially; for one thing, they were very careful to say that there were no grounds for removal on the score of poverty, because Massachusetts exported much grain and provisions.<sup>2</sup> The latter part of the letter, however, discloses the real cause of the action by the court, which was that "the great noise and general report of so many invited and intending to transport themselves into Ireland hath occasioned some discouragement and weakening to the whole body of the colony, and necessarily brings evil report upon the land, as if defective in that which makes for a people's comfortable subsistence,"<sup>3</sup> etc. The letter shows considerable intensity of feeling, and was in fact notice to Cromwell to keep his hands off of Massachusetts. It seems fair to conclude that the disturbance over Ireland was very considerable, and that the plans of Cromwell through these ministers and others brought out the letter of the court in reply. The protest of the general court had the desired effect, for there are no further traces of attempts by Cromwell on Massachusetts.

But although any general movement had been summarily checked, there were individual removals, probably comparatively numerous. Two of the six who answered Cromwell left New England. One of them, John Tuttle, settled in Carrickfergus;<sup>4</sup> the other, John Knowles, went to England and probably to Ireland. Rev. Thomas Harrison, who was Berkeley's chaplain in Virginia, after being exiled to New England because of his Puritan doctrines, went in 1650 to England and then to Dublin. John Haynes, in a letter to John Winthrop, jr., in 1652, speaks particularly of Col. George Cooke, who went from Cambridge, in the Bay, to Ireland and was there killed by a party of Tories.<sup>5</sup>

<sup>1</sup> October 21.

<sup>2</sup> In corroboration of this the petition of the court of Massachusetts in the same year is in point. This petition was sent on account of the navigation act, and shows that Massachusetts could and did export corn, beef, pork, masts, clapboards, pipe staves, fish, beaver, otter, and other articles. Hutchinson, *Hist. Mass. Bay*, 2d ed., p. 516.

<sup>3</sup> Hutchinson, *Hist. Mass. Bay*, I, App. IX.

<sup>4</sup> The Tuttle Family, by Geo. Fred'k Tuttle, p. xxxiv.

<sup>5</sup> *Mass. Hist. Soc. Coll.*, 4th ser., VII, 458.

Cromwell now turned his attention toward New Haven, where the general despondency seemed to offer a good opportunity. These efforts did not cease until October, 1654. William Hooke, Samuel Desborough, and William Leete were Cromwell's agents in the matter. Very probably the movement began while Desborough was still a resident of Guilford in 1650.<sup>1</sup> After Desborough left for England he induced Leete to write to Cromwell (some time before March, 1653-54) in behalf of New England, entreating him to relieve their afflicted and straitened condition. Cromwell made a favorable answer, which was enforced by a letter from Desborough March 5, 1654. Leete took the matter up and spread the Protector's offer through the colony. Some more or less definite arrangements were made for removal, and the city of Galway<sup>2</sup> was chosen as a place for settlement. The form which this arrangement took and why no general migration resulted can not be ascertained, because of the loss of the New Haven records from 1649 to 1653.

Most of the foregoing removals and attempts at removal took place before Parliament entered upon systematic attempts to settle the Irish question by transplanting into Ireland Protestants from Bohemia, the Low Countries, Germany, and New England. After the reduction of Ireland by Cromwell, Parliament resolved to divide Ireland into three parts: (1) A part to be entirely an Irish plantation; (2) A part to be entirely a Protestant plantation;<sup>3</sup> (3) A mixed plantation—English landlords and masters, with Irish tenants and servants.<sup>4</sup> The first was Connaught, including County Olare, and was selected because so hemmed in, the design being to surround the Irish with Protestants. The second was the east of Ireland, surrounded by the Boyne, the Barrow, and the sea. The third was the middle of Ireland, between the first and second. In addition to these, there was a military line of settlers called the "mile line," at first 4 miles and then 1 mile wide, running around Connaught in order to hem in the Irish.<sup>5</sup>

After the act of September, 1653, the commissioners for Ireland tried to make use of Thomas Harrison to reorganize

<sup>1</sup> Steiner, *Hist. of Guilford, Conn.*, pp. 41, 65, and 67.

<sup>2</sup> This fact was well known. See Hubbard, *Hist. of New England in Mass. Hist. Soc. Coll.*, 2d ser., 5 and 6, p. 325, etc.; also Mather's *Magnalia*, I, 85. See also Steiner, *Hist. of Guilford, Conn.*, p. 67.

<sup>3</sup> It was to be in the main English, but other Protestants were to be invited to settle there, provided they were not Irish.

<sup>4</sup> Provided the servants did not come under the rule requiring transportation.

<sup>5</sup> The Cromwellian Settlement of Ireland, by John P. Prendergast, 2d ed., pp. 245-248.

the New England movement. They expected large results because Harrison, although then in Ireland, had previously lived in Virginia and New England. Those who would remove were to have freedom of worship, convenient lands fit for tilling, and secure and healthful location near the coast towns.<sup>1</sup> Harrison himself apparently accomplished nothing, yet some movement was on foot in New England between 1653 and 1655. Robert Harding, of Dublin, petitioned the council of state for relief, alleging that he went to New England because of the tyranny of Charles I and Laud, and from there transported himself and family to Ireland in 1653 because of the encouragements held out by Parliament.<sup>2</sup>

Proposals were received in 1655 for the planting of Sligo and thereabouts by New England families. Lands on the "mile line" and Oyster and Coney islands, the last of but 200 acres, were leased for one year from April 10, 1655, for such families as should come from New England. In 1656 several families went from New England to Limerick, and had the excise on the tobacco they brought for the use of themselves and families remitted.<sup>3</sup> Other families in May and July of the same year became tenants on lands belonging to the state near Garristown, county of Dublin.<sup>4</sup>

But the most determined and systematic efforts to deport New England people were made by Cromwell in connection with the West Indian expedition of 1654 and 1655. After the capture of Jamaica the Protector was confronted with the problem as to what to do with the island. He attempted to colonize it first by transporting criminals, political offenders, paupers, and abandoned women from England; second, by a more or less general removal of New England people to Jamaica. He did not trust to letters this time, but sent a special messenger. He could not have chosen more wisely.

<sup>1</sup> Note the similarity between these offers and the conditions set out by the six men of Massachusetts in December, 1650. See Mass. Hist. Soc. Coll., 4th ser., VII, 434.

<sup>2</sup> Hutchinson, Hist. Mass. Bay, Vol. I, App. IX. Ellis, Original Letters, etc., 2d ser., Vol. III, p. 360. Colonial State Papers, 1574-1660, p. 466.

<sup>3</sup> Prendergast, Cromwellian Settlement of Ireland, pp. 245-249, 2d ed.

<sup>4</sup> Towns in Ireland that New England people settled in or negotiated for: Sligo—in the country given to the Irish by laying out Connaught in 1654; in part (a) which was given to disbanded English soldiers. Lands on the "mile line"—the military line of settlers running around Connaught. Oyster Island—in Sligo Bay. Coney Island—in Sligo Bay. Limerick—in the part divided between the adventurers and soldiers by act of September 26, 1653. Garristown—16 miles north-west of Dublin, in Meath, in the part divided between the adventurers and Irish by act of September 26, 1653. Galway—in the part of Connaught given up entirely to the Irish. Carrickfergus—in Antrim, on Belfast Lough. Antrim was one of the ten counties divided between the adventurers and soldiers by act of September 26, 1653. Dublin—in the part of Ireland reserved to the Government.

Daniel Gookin, whom Cromwell sent on this mission, was no stranger to America. In 1621, when a boy of only 9 years, he went to Virginia. In 1644 he removed to Boston, then to Cambridge, from which place he was representative in the general court. It was while on a visit to England that he was chosen for this mission. Many circumstances favored Cromwell. The colonies in general were in a very depressed condition;<sup>1</sup> the winter of 1654-55 had been a very severe one,<sup>2</sup> and an epidemic sickness had prevailed in the succeeding summer which had been very fatal.<sup>3</sup>

In addition great interest was taken by New England in this expedition and in the West Indies in general. Hugh Peters wrote to John Winthrop, jr., on the 3d of January, 1654, from London:

MY DEAR FRIEND: I have had a great longing for you here, but truly things are upon such great uncertainty and changes that I wish you and all your friends to stay there and rather look to the West Indies if they remove.<sup>4</sup>

John Higginson, in his letter to Thomas Thacher, August 25, 1654, goes on to say: "The apprehension of such a thing as being removed hither (i. e., the West Indies), or of a trade there, doth for the present stop and stay many in these parts who were inclined some for England and others for Delaware Bay." It is plain that the idea of removal had strongly seized on Connecticut as well as Massachusetts and New Haven, and that these rumors, just as the Massachusetts court feared, were paralyzing all colonial activities.<sup>5</sup>

Cromwell had by this time given up his plans about Ireland and had hinted to Leete, Higginson, and Roger Williams his plans as to Jamaica. Therefore the knowledge of the matter was generally abroad when Gookin arrived at Boston December 30, 1655.<sup>6</sup> By the terms of his commission he was to

<sup>1</sup> See letter John Higginson, of Guilford, Conn., to Thomas Thacher, of Weymouth, Mass., August 25, 1654, in which he speaks of the scarcity of clothing and of the general anxiety as to "how to provide for posterity" both in Massachusetts and Connecticut. Conn. Hist. Soc. Coll., III, 318; also, Roger Williams to John Winthrop, jr., December 15, 1654.

<sup>2</sup> Roger Williams to John Winthrop, jr., December 15, 1654. Mass. Hist. Soc. Coll., 4th ser., VI, p. 286.

<sup>3</sup> Cromwell to Major-General Fortescue, "the last winter had been very destructive and the summer so very sickly." Also Hutchinson, Hist. Mass. Bay, I, p. 190, note.

<sup>4</sup> Mass. Hist. Soc. Coll., 4 ser., VI, p. 115. Peters had previously urged Winthrop to come to England. (See Mass. Hist. Soc. Coll., VIIth, ser., p. 114.)

<sup>5</sup> Conn. Hist. Soc. Coll., III, p. 318.

<sup>6</sup> For full discussion of questions connected with New England and this West Indian expedition see Causes of Cromwell's West Indian Expedition, by Frank Strong, American Historical Review, January, 1899, p. 228.

acquaint the New England governors with the fact of the capture of Jamaica, and was to describe the situation of the island and the value of its resources. The religious, however, was the most prominent inducement held out. One chief end Cromwell had in view was to settle the island with people "who knew and feared the Lord." Another was that New England people, who, he said, had been "driven out of the land of their nativity into that desert and barren wilderness for conscience sake," might remove to a land of plenty.<sup>1</sup> This gave a rosy color to Jamaica affairs not warranted by the facts.

Gookin went to work immediately on his arrival. But some one had been before him and had given an unfavorable account of conditions in Jamaica. This unfavorable news had come through Robert Sedgwick, then practically governor of Jamaica, who corresponded with John Winthrop, jr.<sup>2</sup> Therefore all the encouragement that Gookin could give to Cromwell was that some of the principal men of Massachusetts seemed well disposed toward the project.

The Protector had kept in particularly close touch with the New Haven colony through Desborough, Leete, and Higginson, of Guilford, and William Hooke, of New Haven, and felt especially sure of getting the New Haven people to Jamaica. In fact New Haven is the only place specially mentioned in Gookin's instructions. To no other colony are the propositions in the instructions so pointedly addressed.<sup>3</sup> These propositions are of great interest. From them it is plain that Cromwell contemplated the removal of whole colonies to Jamaica; that the land tenure was to be free and common socage with a rent, after the first seven years, of one penny an acre. The colonists were to be incorporated under the great seal, with the privileges and immunities of any corporate city or town of England.<sup>4</sup> The navigation act was to be enforced against them in all respects after three years, and during that time

<sup>1</sup> Interregnum Entry Book, CIV, pp. 304-306.

<sup>2</sup> Sedwick to Winthrop jr. November 6, 1655: "The army is in bad condition; God's hand is against us in disease and very great sickness; men die, a hundred or more every week; seems doubtful about the final success and whether God is in it." *Mass. Hist. Soc. Coll.*, 5th ser., I, p. 380.

<sup>3</sup> Cromwell says in his instructions to Gookin: "Considering that God by his providence, through the many difficulties and necessities they are exercised with, had put it into some of their hearts to seek a new plantation, and particularly New Haven, who (as we are informed) are upon thoughts of removing into the Bay of De la Ware. You are to make them the following propositions," etc.

<sup>4</sup> One article of the instructions provided that neither they nor their servants were to be drawn out into the wars except for defense of the island.



except as to goods and merchandise of the growth, production, and manufacture of the island transported into England. Cromwell reserved the right to appoint the governor, commander in chief, and assistants, reserving to the colonists a shadowy power of nomination.

As to a civil government for the island, he was evasive. As long as Cromwell lived Jamaica had only a military government, which fact was a source of disturbance and of injury to the growth of the colony. He promised the New Englanders a civil government agreeable to the laws of England as far as conditions would permit; he promised, also, liberty and protection for the churches and transportation for themselves with their goods and servants. The whole plan was comprehensive and well thought out; 20 acres of land was to be given to each male 12 years of age and upward, and 10 acres to all others.<sup>1</sup> But here, on the whole, were no inducements to men who believed in a strict theocracy, had free land, and had already contracted the habit of electing their own governors.

In January, 1656,<sup>2</sup> Gookin presented his instructions to the governor of Massachusetts Bay and some other prominent men, who promised their best counsel and encouragement. He found two obstacles in the way to success.<sup>3</sup> One was reports of the unhealthfulness of the place; the other was a continual fear of invasion by the Spaniards. He found it impossible to reach the other colonies because of the impassability of the roads. So he labored in Massachusetts until spring,<sup>3</sup> as his letters to Thurloe show, and got the governor to call a meeting of the court in February. The court showed little interest and delayed its meeting until March. He then delivered Cromwell's letter and told his mission. They "thankfully accepted" the letter and authorized him to publish in all the English colonies a declaration of the Protector's offer. He organized his efforts by hiring several persons in different places to take subscriptions.<sup>4</sup>

In mid-April he made the journey from Boston overland to Connecticut and New Haven, about 150 miles, he tells us, for the most part through the woods.<sup>5</sup> He seems to have depended especially upon Theophilus Eaton, of New Haven, for

<sup>1</sup> Instructions to Gookin, Penn's *Life of Sir Wm. Penn*, II, App. p. 585.

<sup>2</sup> Thurloe, IV, 440.

<sup>3</sup> *Ibid.*, 449.

<sup>4</sup> *Ibid.*, V, 6.

<sup>5</sup> Gookin to Thurloe, May 10, 1656. Thurloe, V, 6.

no special mention is made of Connecticut. He found that while the New Haven people did not object to the West Indies in general, they did to Jamaica on account of the great sickness there. As it was, he got only a few families to subscribe, although he felt sure that if Cromwell could get Cuba or Hispaniola, whole churches would remove. One great hindrance in New Haven Gookin found to be that in his instructions he was not empowered to make provision or offer special encouragement for ministers and men of prominence.<sup>1</sup> His letters show that New Haven was in a very depressed condition, being unable to support a minister if they removed. He asked for a provision for ministers and an annual allowance for a term of years for each person removing.<sup>2</sup>

There is no record of action of any kind by the general courts of Plymouth and Connecticut, nor does he seem to have visited Rhode Island at all. There was considerable stir in New Haven, a session of the general court was held in May, 1656, and the whole matter submitted to the various towns.<sup>3</sup> An agent was also sent to Jamaica to find out the real condition of the island. The New Haven town meeting was distinctly favorable to removal,<sup>4</sup> but the general court, after a somewhat stormy session, decided against removal. The decision of the Massachusetts general court was also adverse, and, being fearful of offending Cromwell,<sup>5</sup> they did not trust their explanations to Gookin, but dealt directly with Cromwell through John Leverett, their agent in London. Leverett presented their letter declining Gookin's offers, and the Protector's resentment is very noticeable. He told Leverett that the people of New England had as clear a call to go to Jamaica as they had in the first place to go to New England. He reminded Leverett again that "that design hath its tendency to the overthrow of the man of sin." New Haven's objections to the lack of self-government in his instructions to Gookin led him to offer through Leverett to waive the appointment of the governor and to put the government entirely in their hands,<sup>6</sup> but the offer came too late.

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<sup>1</sup> Thurloe, V. 6.

<sup>2</sup> *Ibid.* IV, 6.

<sup>3</sup> New Haven Col. Records, 1658-1664, p. 180.

<sup>4</sup> Atwater Hist. New Haven Colony, p. 202.

<sup>5</sup> "But if, by the intelligence from thence of the mortality of the English there, the motion here answereth not expectations, may it please your Highness not to impute it to us as declining your service, much less as disaccepting your favor and endeavors of promoting what may conduce to our welfare." Hutchinson, Hist. Mass. Bay, I, 192.

<sup>6</sup> Hutchinson, Hist. Mass. Bay, pp. 190 and 192.

In August, 1656, Gookin reported to Thurloe that he had personally visited Connecticut, New Haven, New Plymouth, and the Bay, but had received the subscription of only about 300 persons,<sup>1</sup> for the most part young persons under family government, and many of them females of low estate. The poor people of New England, he tells Thurloe, were so reduced in circumstances as to be entirely unable to remove and sustain a colony.<sup>2</sup>

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<sup>1</sup> Thurloe, V, 509, August 23, 1656.

<sup>2</sup> Thurloe, V, 509.

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VIII.—AN EXAMINATION OF PETERS'S "BLUE LAWS."

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By WALTER F. PRINCE,  
NEW HAVEN, CONN.

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## AN EXAMINATION OF PETERS'S "BLUE LAWS."<sup>1</sup>

By WALTER F. PRINCE.

The most famous portion of Peters's book is, of course, that which treats of the blue laws. It is that which rouses in its adversaries the bitterest agonies of disgust. For sixty years patriotic souls have assailed the authenticity of these laws, and the nays have had it by a large majority. "The false blue laws invented by the Rev. Samuel Peters"<sup>2</sup> are words which confront us from a title page. "The so-called blue laws of New Haven never had any existence except in the imagination of Samuel Peters,"<sup>3</sup> says a historian of Connecticut. "Peters not only invented the blue-law code, but he forged legal cases for its application,"<sup>4</sup> another writer declares. "The greater part of these probably never had an existence, as standing laws or otherwise,"<sup>5</sup> chimes in another, more moderately. "The only authority for the blue laws is this Mr. Peters"<sup>6</sup> is another declaration. "The entire list is a fabrica-

<sup>1</sup> Properly the second part of a paper entitled "Peters' Book and 'Blue Laws.'" The first part, the "Book," discussed the so-called "General History of Connecticut" as an interesting problem for internal analysis. Not content to accept the general crude and facile hypothesis of falsehood to account for all its misstatements, the attempt was made to discover the author's sources and the use he made of them. The result was to show him a phenomenal blunderer, confounding and even compounding persons, writings, events, and dates; a credulous lover of the curious and bizarre, like Cotton Mather, relying much on popular traditions and possessing no critical capacity whatever; a victim of various biases, sectarian, patriotic, and egoistic, which colored his vision; the possessor of a fatal gift of sarcasm and humor, which often protruded itself in the wrong places. It was found that there was at least a substratum of truth in the most of his statements about New England and its people, though some, so far as appears, were utterly devoid of foundation. The motive assigned for writing the book was not revenge, but the desire to become bishop in some green New England pasture of a needy and peril-environed flock. All references to Peters's book are to McCormick's edition of 1876 for the reason that this is more frequently available.

<sup>2</sup> "True and False Blue Laws," J. Hammond Trumbull, Hartford, 1876.

<sup>3</sup> "Hist. of Conn.," E. B. Sanford, p. 43.

<sup>4</sup> Rev. C. Hammond in Conn. Valley Hist. Soc. Papers, 1881, p. 105.

<sup>5</sup> Chas. Deane in Winsor's "Narrative and Critical Hist. of America," Vol. III, p. 372.

<sup>6</sup> W. L. Kingsley in Methodist Review, Jan., 1878, p. 83.

tion. \* \* \* It is the baseless invention of an embittered Tory,"<sup>1</sup> asserts a distinguished judge. "The blue law myth,"<sup>2</sup> mutters a learned professor. The list of such references is by no means closed with the following sweeping statement from the pen of a high authority: "The legend of the blue laws is the invention of Samuel Peters, a mendacious refugee, who in 1781 published in England a 'History of Connecticut.' Included in this odd medley of fact and fiction are these grotesque enactments, which never existed except in the imagination of the author of this book."<sup>3</sup> When scholars and professionals of such exalted rank agree so emphatically, and when those who have ventured to differ have defended their position so weakly,<sup>4</sup> one may well hesitate before he renews the attempt. Nevertheless we plunge and cross the fatal Rubicon.

Embodied in sentiments such as those just quoted, which to-day are current in the best writers and which pass almost without question, three propositions are distinctly discernible.

1. *The Blue Laws never existed in New Haven.*—It must be that mental reference is had to the more quaint examples of Peters, for none can fail to know that some at least of the laws stated by him were genuine laws in New Haven. Yet

<sup>1</sup> "Judicial and Civil Hist. of Conn.," Dwight Loomis and J. G. Calhoun, p. 70.

<sup>2</sup> "Study of a Commonwealth Democracy," Prof. A. Johnston, p. 105.

<sup>3</sup> "Colonial Era," Prof. Geo. P. Fisher, p. 130.

<sup>4</sup> Such as Prof. De Vere in "Americanisms," New York, 1873, p. 273, and S. J. McCormick in his preface and notes to Peters' History. See also Sprague's Annals, Vol. V, p. 195, where Rev. Dr. Chapin says, "Among other ridiculously false charges made against Peters is this that he forged or invented the so-called blue laws of Connecticut—a charge which is sufficiently disproved by the fact that that celebrated code was in existence and common use before he was born," which is equivalent to saying a thing is so because it is. Exception should be made of an article by the well-known historical scholar John Gilmary Shea, entitled, "The blue laws of Connecticut," and published in the American Catholic Quarterly Review for July, 1877. I was not so fortunate as to see this essay till my own was nearly completed. Its tone is calm and judicial, but it amounts to a very effectual refutation of those who persist in involving Peters's blue laws in a general damnation. But Shea confined his investigation to the codes of New Haven and Connecticut given in Trumbull's book. Consequently he fails to find the authentication of statutes whose date was later than those codes, or whose locus was Massachusetts. The range of his investigation being so circumscribed, he is too easily satisfied in some cases with mere resemblances between specifications of Peters and certain laws of New Haven and Connecticut, not the real sources of those specifications. Neither did he study the codes of New Haven and Connecticut quite carefully enough, or he could not have written "Several of the other laws as given by Peters have some foundation, such as those against fornication, adultery," etc. This is too moderate a defense for statements which correctly present the essential content of the laws on fornication and adultery, leaving out definition and amplification. He had not observed the indebtedness of Peters to Neal. Nevertheless Mr. Shea's article is the most critical one on the "blue laws" question yet printed. His interest is keener in reference to laws which affected Catholics, yet he does not seem to labor under an anti-Puritan bias.

the language most commonly employed makes no exceptions whatever.<sup>1</sup>

2. *The Blue Laws never existed in New England.*—In vain we search for an admission that the laws which do not fit New Haven may often find their mother nest in Massachusetts, or, less frequently, in Connecticut Colony.<sup>2</sup>

3. *The Blue Laws were invented by Samuel Peters.*—He is the criminal and no other to be pilloried through all ages for his malevolent "forgeries."

These are the propositions which a somewhat extended survey of the ground compels us to contradict. We must meet them squarely with the counter theses:

1. Over one-half of Peters's "Blue Laws" did exist in New Haven, expressly or in the form of judicial customs under the common law.

2. More than four-fifths of them existed, in the same fashion, in one or more of the colonies of New England.

3. Were the "Blue Laws" shown to be forgeries, Peters could not be made to shoulder the whole burden of guilt, since he derived nearly two-thirds of them directly from other writers on New England history.

Either no one concerned has discovered this last fact, or, an alternative which we can not suppose, discovering, he has not been candid enough to announce it to the world. It is extraordinary that none of Peters's critics should ever have thought of examining his sources when his book is so full of pregnant hints. He frequently refers to Neal's History of New England.<sup>3</sup> In the second volume of this work there is an appendix containing an "abridgement of the laws and ordi-

<sup>1</sup>One gentleman, making special denial of a parcel of the laws, gingerly admits that one was partly true, and insists that another, if true, was a good law anyway, which is quite aside from the question.

W. L. Kingsley, in "New Englander," vol. 30, p. 248. The laws referred to are those about courtship and travel on the Sabbath, respectively, both bona fide and in force in New Haven as in other New England Colonies. "And so the myth (of the New Haven code of Blue Laws) grew until the last vestige of truth was lost in fable."—True and False Blue Laws, J. H. Trumbull, p. 29.

<sup>2</sup>W. L. Kingsley (in the Methodist Review, Jan., 1878) also says that "it is shown that much of the severe and ridiculous legislation \* \* \* was actually true of New York," etc., but never dreams of any applicability to Massachusetts. He does not say by whom or where it is shown. It would be hard to show this of New York, whatever may be the case with "Virginia and other Colonies to the South and West." This is very remarkable. I have searched in vain in this class of writers for more than a curt admission that there was something like one or two of the "Blue Laws" in Massachusetts. Even this is rare. In Trumbull's notes to the Peters code (True and False Blue Laws, pp. 301-308) he is ready to implicate New York and Virginia, but is silent in respect to laws which were known to every colony in New England.

<sup>3</sup>"History of New England," Daniel Neal, 2 vol. London, 1747. The appendix is in Vol. II, beginning p. 328.



nances of New England to the year 1700," and here Peters found 28 of his "forgeries." We shall be assured of this by parallel peculiarities in the phraseology of Neal's and Peters's abstracts, which swerve from the wording of the original statute.<sup>1</sup> One other law we may find reason to suspect was suggested by a passage in Dr. Burnaby's "Travels,"<sup>2</sup> a book which Peters quoted more than once. These make nearly two-thirds of the entire number.<sup>3</sup>

The proof of our three counter theses is to be found in the detailed examination that follows. We have chosen to change the order in which the 45 laws originally appeared, in order to classify them according to the degree of their authentication. As already intimated, some may be expected to refer, not improperly, to common rather than to statutory law.<sup>4</sup> It should be premised that Peters nowhere claimed to give the exact form of a single statute, but expressly calls his list a "sketch."<sup>5</sup> When, therefore, we class certain statements as "unqualifiedly true" we refer, not to the verbal rendering, but to the facts contained. But when we declare certain others "substantially true" we mean that the facts, while not accurately put, are not essentially distorted. The figures appended indicate the order in which the laws were printed in the "General History of Connecticut."

#### I. LAWS UNQUALIFIEDLY TRUE.

6. "Conspiracy against this Dominion shall be punished with death." This is obviously abridged from Neal, whose statement is, "Conspiracy against the Commonwealth by attempting an invasion, insurrection, rebellion, or attempting to seize any town or forts, shall be punished with death."<sup>6</sup>

We read in the New Haven Code of 1655 that "If any person shall conspire and attempt any invasion, insurrection, or

<sup>1</sup> The most striking instance is Law 29, where Neal perpetrates a remarkable blunder and Peters copies it. See also Law 24.

<sup>2</sup> "Travels through the Middle Settlements of North America, 1759-60," Andrew Burnaby. London, 1775.

<sup>3</sup> Five more Peters might have seen in the copy of the Revised Statutes of the Colony of Connecticut which lay in the clerk's office in Hebron. Yet we can not tell that he relied on more than his miscellaneous reading, observation, and tradition for their contents. Since a part of the eleven laws still remaining are genuine, the field left to his "imagination" seems to be getting somewhat circumscribed.

<sup>4</sup> Neal, too, puts down as "laws" what were judicial customs, or forms of procedure.

<sup>5</sup> Neal's versions also are often very different from the original statutes, but he generally manages to convey their essential content.

<sup>6</sup> Neal's App., p. 332.

public rebellion against the jurisdiction \* \* \* he or they shall be put to death."<sup>1</sup> This law was derived from the Massachusetts Body of Liberties.<sup>2</sup>

8. "Whoever attempts to change or overturn this Dominion shall suffer death." It will be seen that this is a correct abstract of one part of the New Haven law just referred to, which declares that, "if any person or persons shall \* \* \* treacherously and perfidiously attempt the alteration and subversion of the frame of policy or fundamental Government laid and settled for this jurisdiction, he or they shall be put to death."<sup>3</sup> So far it is but one form of the law of treason common among nations. But the New Haven statute had a severer clause, threatening that "if any person shall consent to any such mischievous practice, or by the space of four and twenty hours conceal it, he shall be put to death or severely punished." In other words, if any person should hear of a conspiracy and not report the plot to the authorities within twenty-four hours he might, by virtue of the New Haven law, be put to death. The statute on this subject in Connecticut was couched in terms not dissimilar.<sup>4</sup>

2. "From the determination of the Assembly<sup>5</sup> no appeal shall be made." Peters probably took this from Neal, who says of the general court, "It may determine causes without appeal and cite those depending in other courts."<sup>6</sup> This was true enough of New Haven, Connecticut, and Massachusetts Bay. The New Haven code of 1655<sup>7</sup> provides for appeals from the plantation court to the court of magistrates and thence to the general court, the supreme tribunal of the colony. No further appeal to the King in council was contemplated or allowed. The several colonies regarded such an attempt as a grave

<sup>1</sup> Records of New Haven Jurisdiction, 1653-64, p. 577.

<sup>2</sup> Sec. 91. Massachusetts, having learned the expediency of paying more deference to the mother country, in March, 1681/2, inserted after "rebellion" these words, "against the King's Majesty, his government here established." Sec. Mass. Col. Records, Vol. V, p. 339.

<sup>3</sup> New Haven Code of 1655. In records of New Haven Jurisdiction, pp. 577-578, under title "Capital Lawes."

<sup>4</sup> General Laws and Liberties of Connecticut Colony, p. 85. Printed by Samuel Green, Cambridge, 1673. The original is exceedingly rare, but there are copies of the Brinley reprint in the libraries.

<sup>5</sup> Someone has criticised the use of the word "assembly" instead of "court," which was the customary one employed in New Haven Colony. But "assembly" was the familiar term in Peters's day. Such sticking for verbal accuracy in a professed "sketch" is hypocritical. (See Trumbull, p. 302.)

<sup>6</sup> App., p. 336.

<sup>7</sup> Records of New Haven Jurisdiction, 1653-64, p. 573.

offense and visited it with heavy fines.<sup>1</sup> Any suggestion on the part of the King's ministers that it would be well to allow appeals was sure to be fought with might and main, as a proposal to annihilate good order and the authority of local law.<sup>2</sup>

3. "The Governor is amenable to the voice of the people." Here we have an incomplete version of Neal, who says of the general court, "It may call the governor or any magistrate to account and censure them as the case requires."<sup>3</sup> The New Haven code of 1655 declares its power "to require an oath from all magistrates, deputies or assistants, etc., in every court of judicature, for the faithful discharge of the trust committed to them, according to their best abilities. And to call them to account for the breach of any laws established, or for other misdemeanors in their places, and to censure them as the quality of the offense may require."<sup>4</sup> Now, the governor was included among the magistrates named in this paragraph, and all its provisions apply to him as well as the rest. The form of oath which was to be administered to him is given at the end of the code. If he broke his official oath or the laws of the country, he was amenable to the voice of the people through the general court.<sup>5</sup> The fact that the governor was reckoned as one of the magistrates, though with specific duties and powers, is illustrated by a passage in the first constitution of Connecticut, "Whereof one to be chosen governor for the year ensuing and until another be chosen, and no other magistrate to be chosen for more than one year; provided always there be six chosen besides the governor."

5. "The Assembly of the People shall not be dismissed by the Governor, but shall dismiss itself." Again, Peters had

<sup>1</sup> Mass. Col. Recs., III., 94 for example.

<sup>2</sup> A good illustration may be found in Mass. Col. Recs., III, 102.

<sup>3</sup> Neal's App., p. 336.

<sup>4</sup> Fundamentall Agreement, in sec. 3, p. 569.

<sup>5</sup> A governor of Massachusetts Bay Colony was called in question for licensing a liquor seller on his individual responsibility. When there was a quarrel between the magistrate and deputies as to their respective powers (in Massachusetts) the magistrates proposed a list of questions to the elders. Their reply to one of these questions reads thus: "In case of a defect or delinquency of a magistrate, the whole court may remove him." The governor was one of the magistrates. (See Winthrop's Journal, Oct. 30, 1644.) "The general court had authority to call \* \* \* either court or magistrate or any person whatsoever into question for misdemeanor." (Early Government of Connecticut, Bronson, p. 24.) "At this court of freemen \* \* \* the governor and magistrates might be present as culprits on trial for misdemeanor," (Ib., p. 25.) In 1633 New Plymouth enacted a law that if a governor-elect refused to serve he was to be fined £20—a very large sum, equal to \$500 to-day.

recourse to Neal's Abridgment, which says of the general court: "This court (is) to be called by governor, deputy governor or court of assistants on any occasion, but (is) to be dissolved or adjourned only by themselves."<sup>1</sup> It was very true that the general court, in New Haven and elsewhere, dismissed itself, as was fitting for the representative body of a republican jurisdiction to do. The governor was not above and outside of the general court, but himself a member of it, with no regal prerogatives to prorogue or dissolve it.<sup>2</sup> The Massachusetts Body of Liberties of 1641 guarded against such assumption of power when it declared, "No general court shall be desolved or adjourned without the censure of the major part thereof."<sup>3</sup>

9. "The judges shall determine controversies without a jury." This correctly states the procedure in New Haven. The fact is too notorious to need corroboration. Herein New Haven was unique—that it employed no jury, but decided all cases by a majority vote of the judges.<sup>4</sup>

10. "No one shall be a freeman or give a vote unless he be converted and a member in full communion of one of the churches allowed in the Dominion." The New Haven law was as follows:

That none shall be admitted freemen \* \* \* but such planters as are members of some one or other of the approved churches of New England; nor shall any such be chosen to the magistracy, or to carry on any part of civil judicature, or as deputies or assistants to have power or vote in establishing laws, or in making or repealing orders, or to any chief military office or trust; nor shall any others but such church members have a vote in any such elections.<sup>5</sup>

Now, this law carries with it all that Peters asserted, since no man was admitted into the membership of approved churches

<sup>1</sup> Neal's App., p. 336.

<sup>2</sup> "He (the governor) could not adjourn or dissolve the court." (Early Government of Conn., Bronson, p. 19.)

<sup>3</sup> "Mass. Body of Liberties," sec. 69. In *Bibliographical Sketch of Laws of Mass. Col., 1630-1686*. W. H. Whitmore, Boston, 1890. A facsimile of the original manuscript is here given. Section 69 of the Body of Liberties points back to an ordinance passed May 14, 1634. (See Mass. Col. Records, Vol. I, p. 118.) It was substantially copied in the constitution adopted by the first settlers of Conn., 1638-39. (See Trumbull's *True and False Blue Laws*, p. 57.)

<sup>4</sup> See New Haven Code of 1655. In *Records of New Haven Jurisdiction*, pp. 570-571; Trumbull, 186-188.

<sup>5</sup> "Records of New Haven Jurisdiction, 1653-1664," p. 567.

except those believed to be converted.<sup>1</sup> Massachusetts made the same requirement.<sup>2</sup> In 1663 it even went so far as to establish a law<sup>3</sup> that no persons, whether freemen or not, who refused to attend church should be allowed to vote in any civil assembly whatever "until certificate be given of their reformation" in this particular.<sup>4</sup>

13. "No Quaker or dissenter from the established worship of this Dominion shall be allowed to give a vote for the election of magistrates or any other officer." This is really a corollary from the 10th law, which says that none but members of approved churches can vote. But Peters follows Neal with a little verbal amplification. "No Quaker or dissenter from the publick worship has a vote."<sup>5</sup> Later, the bars were reluctantly let down at the shaking of the royal fist, one at a time.

22. "To pick an ear of corn growing in a neighbor's garden shall be deemed theft." The New Haven statute, entitled "Burglary and theft," was similar to that of Connecticut, which says, in part—

That if any person, whether children, or servants, or others, shall be taken or known to rob any orchard or garden, or that shall steal away any grafts or fruit trees, fruits, etc., shall forfeit treble damage to the owners thereof and such fine or corporal punishment as the court shall think meet.<sup>6</sup>

Both colonies derived their law upon the subject from Massachusetts.<sup>7</sup> But in 1640, before New Haven had any such

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<sup>1</sup> It is therefore difficult to see what point Trumbull thinks he is making in his note on law 10, reading "The law only requires membership of some one or other of the approved churches of New England." Trumbull's True and False Blue Laws, p. 202. Palfrey (Hist. New Eng., II, 8) writes thus: "In Massachusetts and New Haven the discretion of the freemen as to the admission of new associates was limited by a standing rule of exclusion for all but such as had been received into full communion by some church." John Gilmary Shea (Am. Cath. Quar. Rev., July, 1877) calls attention to the looseness of this version of the law. Not membership in "some church" was sufficient, but membership in some "approved church," and not only that, but of some church "approved by the magistrates and churches of this colony." See New Haven Code of 1655; title, "Ecclesiastical Provisions."

<sup>2</sup> Mass. Col. Recs., Vol. I, p. 166. The date is March, 1635/6.

<sup>3</sup> Mass. Col. Recs., Vol. IV, part 2, p. 88.

<sup>4</sup> In Connecticut Colony there was more apparent liberality. The inhabitant of good reputation, and later, who had property qualifications, was eligible to citizenship, on assent of the members of the General Court. But, as Bronson justly observes, "it is safe to say that they would not assent if the candidate were a heretic, or if in practice he set at naught that discipline of the churches which the General Court was bound to maintain." Civil Govt. of Conn., p. 20.

<sup>5</sup> Neal's App., p. 340.

<sup>6</sup> General Laws of Conn., 1673, p. 8.

<sup>7</sup> General Laws, 1672. The act was passed in 1646.

statute,<sup>1</sup> Andrew Lowe was whipped in part for stealing fruit from a garden.<sup>2</sup> Whether fruit or vegetables, or ears of corn, or anything else of value growing in an orchard or garden, taking them without leave was deemed theft by the terms of the printed law, and the perpetrator was formally liable.<sup>3</sup>

39. "Fornication shall be punished by marriage, or as the court may think proper." Here we have a still curter form of Neal's abstract, which says, "Fornication (is) punished by compelling marriage, fines, or as the court sees fit."<sup>4</sup> This was the earlier law of New Haven, Massachusetts, Plymouth, and Connecticut. It was adopted by New Hampshire when it became a royal province.<sup>5</sup> We quote from the New Haven Code of 1655:

If any man shall commit fornication with any single woman, they shall be punished, either by enjoying marriage, or fine, or corporall punishment, any or all of these, as the court of magistrates or plantation court, duly considering the case with the circumstances, shall judge most agreeable to the word of God.<sup>6</sup>

In 1665 Massachusetts empowered the courts, in addition to the usual penalties for this and other crimes, to disfranchise the offender.<sup>7</sup>

40. "Adultery shall be punished with death." Neal puts it, "If any person commit adultery with a married woman, maid or woman espoused, both man and woman shall be put to death."<sup>8</sup> Among the first laws passed in Massachusetts Bay was one decreeing death for adultery.<sup>9</sup> This was in 1631.<sup>10</sup> The law found its way into the Body of Liberties<sup>11</sup> and therein became the model for New Haven and Connecticut. Some effort seems to have been made in Connecticut in 1669 to alter it, but the court refused "to repeal or to take off the file

<sup>1</sup> New Haven Code of 1655; title, "Burglary and theft."

<sup>2</sup> Records of New Haven Colony. 1638-1649, pp. 38-39.

<sup>3</sup> Human nature must seldom or never have been vindictive enough to prosecute for the taking of "an ear of corn." But it remains true that by the law that act was "deemed theft," there being no legal distinction between taking a single ear and taking a bushel of corn.

<sup>4</sup> Neal's App., p. 342.

<sup>5</sup> New Hamp. Hist. Soc. Colls., Vol. VIII, p. 456.

<sup>6</sup> Title "Fornication."

<sup>7</sup> Mass. Col. Recs., Vol. IV, pt. 2, p. 143.

<sup>8</sup> Neal's App., p. 322.

<sup>9</sup> Mass. Col. Recs., Vol. I, p. 92.

<sup>10</sup> James Brittain and Mary Latham were condemned to death for adultery in Boston, 1643/4. See Omitted Records in Bibliographical Sketch of Mass. Laws, Whitmore, XLII. Account of the case is given in Winthrop's Journal, ed. of 1790. Hartford. Pp. 326-7.

<sup>11</sup> Sec. 94.

the law which hath been so long established by the government of the colony."<sup>1</sup>

42. "A wife shall be deemed good evidence against her husband." In another part of his book Peters refers to the William Potter Case, "to show," he says, "the danger of admitting a wife to give evidence against her husband."<sup>2</sup> It is probable that he added this law from his knowledge of that case. It is true that Potter was convicted in part from the testimony of his wife, though the rest of Peters's remarks concerning that trial are pitifully erroneous. No formal statute was necessary to enable wives to testify, but, as a matter of fact, this they might do in New Haven courts.

43. "No man shall court a maid in person or by letter without first obtaining consent of her parents; 5 l. penalty for the first offence, 10 l. for the second, and for the third, imprisonment during the pleasure of the court." Neal puts it "None are to court a maid without the consent of her parents; 5 l. for the first offence, 10 l. for the second; imprisonment for the third till released by the county court."<sup>3</sup> The law of Massachusetts, dating from 1647, declares<sup>4</sup> that any person endeavoring "directly or indirectly to draw away ye affections of any mayde in this plantation under pretence of marriage" without the consent of parents or guardians should be fined £5 for the first offense, £10 for the second, and for the third be imprisoned until the court should see cause to release him.

Connecticut borrowed this law<sup>5</sup> and retained it in Peters's day.<sup>6</sup> It was sufficiently broad to include Peters's specification "by letter." But the law of New Haven was very circumstantial, forbidding unpermitted trifling with girlish affections "whether it be by speech, writing, message, \* \* \* gifts,<sup>7</sup> or any other way, directly or indirectly." Here, however, the

<sup>1</sup> Conn. Col. Recs., Vol. II, date July 6, 1669. When, at last, the law was repealed, culprits were compelled to stand on the gallows with ropes about their necks, significant of the former law, and also, in Massachusetts, to wear the letter A on an outside garment perpetually.

<sup>2</sup> Gen. Hist. Conn., p. 155.

<sup>3</sup> Neal's App., p. 356.

<sup>4</sup> Mass. Col. Recs., Vol. II, p. 212.

<sup>5</sup> Acts and Laws of Conn., Revision of 1702, p. 75.

<sup>6</sup> Ibid., Revision of 1750, p. 144.

<sup>7</sup> The case related by Peters, pp. 214-217, he does not declare is authentic, but prefaces it with the words: "The following case may be amusing." However, allowing for the humorous exaggeration of the story-teller, there is nothing incredible in the bottom facts stated. Gifts and a very polite letter such as English beaux thought it proper to send to young ladies, might well have been thought courtship just cunningly enough devised to escape the law.

first offense cost but 40 shillings, the second £4, and the third a fine at discretion, imprisonment, or whipping.<sup>1</sup> Cases under the law in the several colonies were numerous.<sup>2</sup>

15. "If any person turns Quaker, he shall be banished and not suffered to return on pain of death." Here we have a statement extracted from two sentences in the version of Neal, "Quakers not inhabitants (are) to be imprisoned till the court of assistants and then banished, not to return on pain of death. If any turn Quakers,<sup>3</sup> they are to be banished the Jurisdiction and served as Vagabond Quakers if they return."<sup>4</sup> We have no difficulty in recognizing the famous law of Massachusetts, passed October 19, 1658,<sup>5</sup> the culmination of a series of ineffectual statutes. The original law is too long to quote, nor is there need, as its purport and the bloody consequences are universally familiar.

New Haven never threatened Quakers with death, but did promise them a choice series of imprisonments, banishments, whippings, brandings, and perforations of the tongue, all expenses to be paid by the recipients of these attentions. And in New Haven, as elsewhere, "Every Quaker arising in the jurisdiction to be treated as a foreign Quaker."<sup>6</sup> This in May, 1658.

14. "No food or lodging shall be afforded to a Quaker, Adamite, or other heretic." The New Haven act was passed May, 1658, fixing the penalty for "concealing or entertaining Quaker or other blasphemous hereticks at twenty shillings an hour."<sup>7</sup> It need not be explained that "entertainment" meant giving food or lodging. In Connecticut the statute on this subject read, "No person in this colony shall give any unnecessary entertainment unto any Quaker, ranter, Adamite, or other notorious heretick, upon penalty of five pounds for every

<sup>1</sup> New Haven Code of 1655. Recs. of New Haven Jurisdiction, p. 600.

<sup>2</sup> Matthew Stanley, of Reading, was fined £5 for winning the affections of a girl without her parents' consent. See "Econ. and Soc. Hist. of New Eng.," p. 229. Same fine, see "Hist. of New London," p. 231. Same fine, see Conn. Col. Recs., Vol. I, date Mar. 5, 1644. Walter Gray was whipped for inveigling the affections of a servant maid without the consent of her master. See Conn. Col. Recs., Vol. I, date March 5, 1644.

<sup>3</sup> "If any turn Quakers" is almost exactly copied by Peters. The language of the original law is very different, namely, "Every inhabitant convicted to be a Quaker." This is one of the cases where Peters's indebtedness to Neal is apparent. Anyone can easily convince himself by comparing the two series.

<sup>4</sup> Neal's A pp., p. 345.

<sup>5</sup> Mass. Col. Recs., Vol. IV, pt. 1, p. 345.

<sup>6</sup> Recs. of New Haven Juris., 1653-64, p. 240.

<sup>7</sup> *Ib.*, pp. 238-241.



such entertainment."<sup>1</sup> Massachusetts fined offenders 40 shillings for each hour that shelter was given to any of the obnoxious classes.<sup>2</sup> These are but types of the changes that were rung on the law. Prosecutions were frequent at one period, more particularly in Massachusetts Bay and New Plymouth, but with New Haven and Connecticut not exempt.<sup>3</sup> Connecticut did not repeal the statute against entertaining Quakers and others till the eighteenth century had begun.<sup>4</sup>

16. "No priest shall abide in the Dominion; he shall be banished and suffer death on his return. Priests may be seized by anyone without a warrant." We turn once more to Neal's Abridgment and find, "No Jesuit or priest (shall) abide in the jurisdiction. Whoever can't clear himself from suspicion to the court of assistants (is) to be banished not to return upon pain of death, unless by shipwreck, &c. \* \* \* He may be seized by anyone without warrant."<sup>5</sup> The first Massachusetts law against priests was passed May 26, 1647. But the still harsher measures which Neal and Peters give in condensed but not incorrect form date in the year 1700.<sup>6</sup> They consigned to perpetual imprisonment all "Jesuits, seminary priests, or other spiritual or ecclesiastical persons" ordained by papal authority, who should be found in the colony by September 10 of the same year.<sup>7</sup> If taken after escaping from imprisonment they were to suffer death. Also the statute continues, "It shall and may be lawful to and for any person or persons to apprehend, without a warrant, any Jesuit, priest, missionary, or Roman ecclesiastic."<sup>8</sup>

17. "No one to cross the river but with an authorized ferryman." Plainly, this is related to Neal's version, which, however, does not squint. "No passenger to be transported across the river but by an authorized ferryman."<sup>9</sup> Peters's transcription is not felicitous, but it is hardly proper to attribute a malign purpose to his bungling attempt at condensation. It is only necessary to place the emphasis properly in his verbal statement to mark the distinction which he had in mind,

<sup>1</sup> Revised Statutes of 1673, Acts and Laws, p. 28.

<sup>2</sup> Mass. Col. Recs., Vol. IV, Pt. I, p. 308. Law passed Oct., 1657.

<sup>3</sup> Plymouth Recs., Vol. III, pp. 189, 191, 200. Recs. of Juris. of New Haven, p. 242.

<sup>4</sup> Session Laws, 1706.

<sup>5</sup> Neal's App., p. 346.

<sup>6</sup> General Laws of Mass. Bay Col., ed. of 1672, p. 67.

<sup>7</sup> Acts and Resolves of Mass., Vol. I, p. 424.

<sup>8</sup> J. Hammond Trumbull suggests that there were enactments in New York and Virginia against Catholic priests (True and False Blue Laws, p. 303), but drops not a word respecting Massachusetts.

<sup>9</sup> Neal's App., p. 341.

that between "an authorized ferryman" and an unauthorized, unlicensed one.<sup>1</sup> It is perfectly true that both in Connecticut and Massachusetts<sup>2</sup> there were laws forbidding any person to cross the river with any other than an authorized ferryman. One might cross in his own boat or borrow that of his neighbor's, but apparently only for the purpose of going to his work. If, for example, a young beau wished to take a party of ladies across the river in his boat to join a pleasure excursion, the law debarred him. Thus reads the Connecticut statute:

Every keeper of a ferry shall have the sole liberty of the transportation of passengers and their horses, from the place where such ferry is granted to any other ferry place, or usual place of landing. \* \* \* Provided this order shall not hinder any persons that use or have occasion to pass in their own or their neighbor's boats or canoes to their own business and labour from passing accordingly.<sup>3</sup>

21. "The Sabbath shall begin at sunset on Saturday." Peters must have known this from experience, but perhaps the sight of a statute sketched by Neal brought it to his mind. Neal's words are, "Drinking or sporting on Saturdays after sunset pays five shillings."<sup>4</sup> New Haven had a law passed in 1648 forbidding all servile work "from sunset to sunset." The day came when Connecticut went further and included the evening following the Lord's Day, making thirty hours in all.<sup>5</sup> Thirty years later Boston stationed guards on the neck of the peninsula at sunset Saturday evening to prevent all persons, whether on foot or horse, from passing out of the city.<sup>6</sup> A good young man of Norwich complained of himself before a justice of the peace that he had visited a relative on Saturday night and promised to do so no more.<sup>7</sup> Instances might easily be multiplied.<sup>8</sup>

<sup>1</sup> Shea evidently understood the expression thus, else he could not say (*Am. Cath. Quar. Rev.*, July, 1877, p. 487) that "The next alleged law as to licensed ferrymen \* \* \* was nothing really objectionable." Understood any other way the law would be objectionable, outrageous.

<sup>2</sup> *Gen. Laws of Mass. Bay Col.*, ed. of 1672, p. 50.

<sup>3</sup> *Laws of Conn. Col.*, ed. of 1750, p. 70.

<sup>4</sup> The original of the law is in *Acts and Laws of Conn.*, Revision of 1702, p. 105.

<sup>5</sup> *Acts and Laws of Conn.*, Revision of 1702, p. 105. See also *Provincial Papers of New Hampshire*, Vol. III, p. 222; *Mass. Col. Recs.*, Vol. IV, pt. 1, p. 347, etc.

<sup>6</sup> *Mass. Col. Recs.*, Vol. V, p. 239.

<sup>7</sup> *Economic and Social Hist. of New Eng.*, Wm. B. Weedon, p. 549.

<sup>8</sup> Offences were punished more severely if committed on the Sabbath. See *New Haven Code of 1650*, Title "burglary"; *Prov. Papers, New Hamp.*, Vol. XIV, p. 670; *Recs. of New Hav. Col.*, Vol. II, p. 324; *Acts and Laws of Conn.*, Revision of 1702, p. 11. The odor of sanctity was by a law of Connecticut attached to the evening following the day of the weekly religious lecture. See *Acts and Laws, Revision of 1702*, p. 149. As late as 1771, in Massachusetts, a special permit needed to be obtained if, by reason of the weather, it was not expedient to postpone a burial service till after the Sabbath, and even then the permit warned to "take care that the corpse be not carried to the grave until an hour after sunset." See *History of Shrewsbury, Mass.*, p. 197.

30. "Manstealers shall suffer death." Under the title "Manstealers," Neal writes, "Whoso steals a person is to be put to death."<sup>1</sup> This was the law all over New England, except in Rhode Island, where the crime "manstealing" was punished with imprisonment for five years, or "satisfaction to the parents."<sup>2</sup>

32. "A debtor in prison, swearing he has no estate, shall be let out and sold to make satisfaction." This, too, was found in Neal's Abridgment. "The prisoner, swearing before a proper magistrate that he has no estate, is to be released, but is to make satisfaction by service, though not to be sold to any beside the English."<sup>3</sup> We go back to the law of New Haven on the subject of debtors, and find the following:

"No man (is) to be kept at will of the creditor, but when there appears some estate which he will not produce. If he takes oath that he has no estate, he shall satisfy the debt by service, if the creditor require it, a reasonable time, or the court shall fix, but not to be sold out of the United Colonies, if the debt arise not by sinfull and heynous miscarriages which disturb the publick peace."<sup>4</sup>

In Connecticut Colony was a similar law.<sup>5</sup>

23. "A person accused of trespass in the night shall be judged guilty unless he shall clear himself by oath." The law referred to was passed by the general court of Connecticut in 1711, and remained upon the statute books till after 1750. It provides that whatever person or persons are suspected of "disorders or insolencies committed in the night," if they "upon examination can not give a satisfactory account where he or they were when the disorders or insolencies complained of were done"—upon oath, of course—"he or they shall be liable to pay such damages as the person or persons complaining shall have sustained or suffered, and such other fine or punishment as the court \* \* \* shall see cause to order, not exceeding the sum of five pounds."<sup>6</sup>

At the same time a similar provision was made in the case of secret assaults. The suspected person must show an alibi

<sup>1</sup> Neal's App., p. 356.

<sup>2</sup> Rec'a. of R. I. and Prov. Plan., Vol. I, p. 174. See also New Haven Code of 1655, Conn. Code of 1650.

<sup>3</sup> Neal's App., p. 366.

<sup>4</sup> New Haven Code of 1655.

<sup>5</sup> Acts and Laws, Revision of 1702, p. 5. It is interesting to note in this connection that by section 7658 of the statutes of Missouri a vagrant may be sold by public auction to the highest bidder for the period of six months, and this is not infrequently done at the present time.

<sup>6</sup> Session Laws of Conn., 1711, p. 166. See also Revision of 1750, p. 172.

or be held and punished as guilty.<sup>1</sup> It is not our present business to reflect on the grave injustice which might be wrought by such laws. That they existed is certain.

38. "The selectmen, on finding children ignorant, may take them away from their parents, and put them into better hands, at the expence of their parents." Turning again to Neal, we find, "The selectmen may examine children and apprentices, and admonish parents and masters if they find them ignorant, and with the consent of two magistrates or the next county court put them into better hands."<sup>2</sup> The particular reference is to a law of Connecticut and Massachusetts compelling parents and masters not only to teach their children and apprentices, respectively, to read, so as to be able to understand the principles of religion and the capital laws of the country, but also to teach them some useful calling. Selectmen were to watch all families, and if any responsible person persistently neglected the law, then, with the help of two magistrates, the children were to be apprenticed in better quarters till they became of age.<sup>3</sup>

The law in New Haven was not dissimilar, except that deputies and constables, instead of selectmen, were responsible for oversight of such cases, and that when anyone was convicted of persistent neglect it was not mandatory that his children should be taken away, but was left to the discretion of the judges.<sup>4</sup> Of course at a date when innocent persons had to pay for their trial and unjust imprisonment delinquents under this law were obliged to pay the expense of process against themselves and of the formalities of the apprenticeship of their children.

28. "No Minister shall keep school." Again we have recourse to Neal: "No minister shall be a schoolmaster." This is reckoned among the laws "frivolous and absurd to the last degree." The wise man who said this must settle with the dignified legislators of Massachusetts for the insult. In 1701 they passed the law declaring "That no minister of any town shall be deemed, held, or accepted to be the schoolmaster."<sup>5 6</sup>

<sup>1</sup> Session Laws of Conn., 1711, p. 166. Revision of 1750, p. 176.

<sup>2</sup> Neal's App., p. 332.

<sup>3</sup> Mass. Col. Rec's, Vol. II, p. 6. The law was passed 1642. See also the Conn. Code of 1650, title "Children."

<sup>4</sup> New Haven Code of 1655, title "Children's education."

<sup>5</sup> Acts and Resolves of Mass., Vol. I, p. 470.

<sup>6</sup> Shea's surmise (*Am. Cath. Quar. Rev.*, p. 488, July, 1877) that Peters's reference was to Episcopal clergymen is evidently mistaken, in the light of the original enactment quoted above.

Every town was obliged by law to provide a schoolmaster, but no minister, acting as such, was allowed in that capacity.<sup>1</sup>

34. "Whoever brings cards or dice into the dominion shall pay a fine of five l." Neal's version reads: "None to bring cards or dice into the country or to have any in their custody, on penalty of £5; half to the treasurer, half to the informer."<sup>2</sup> Both are right. An act of Massachusetts, dating from 1672, states—

That what person or persons soever shall bring into this jurisdiction any playing cards or dice, or with whomsoever such cards or dice be found in his or their custody, he or they shall pay as a fine the sum of five pounds, the one half to the treasurer, the other half to the informer.<sup>3</sup>

31. "Whoever wears clothes trimmed with gold, silver, or bone, lace above two shillings by the yard, shall be presented by the grand jurors, and the selectmen shall tax the offender at 300 l. estate." We turn to Neal, who thus quotes the law:

All persons not worth £200, wearing gold or silver lace or buttons or bone lace above 2s. per yard, or silk hoods or scarfs, may be presented by the grand jury and shall pay 10s. for every offence. The selectmen of every town may assess those who dress above their rank at £200 estate,<sup>4</sup>

certain classes excepted.

Peters, so far as he goes, is in agreement with Neal, except he seems to say £300 in place of £200. But this was probably a typographical error like others in the printed book.<sup>5</sup> Massachusetts not only boasted of the foregoing sumptuary provisions, but the chronicler might have gone on and reported truly, that she successively thundered against "slashed clothes," "cutt worke, imbroidered or needle worke, capps, bands, and rayles," "immoderate greate sleeves,"<sup>6</sup> "arms bare above the wrist," "immoderate greate breeches," "knots of rybon," "double ruffles and cuffs,"<sup>7</sup> "long hair on men," periwigs, curled hair, ribbons in the hair,<sup>8</sup> and so on ad nauseam.<sup>9</sup> Professor Kingsley, in 1838, was unable to find any New Haven

<sup>1</sup> Neal errs only in placing this law among those passed before 1700.

<sup>2</sup> Neal's App., p. 343.

<sup>3</sup> General Laws of Mass., revision of 1672, p. 58.

<sup>4</sup> Neal's App., p. 322.

<sup>5</sup> For "riveret" Peters's intelligent printer substituted "River Ett." McCormick's edition has perpetuated the error, pp. 139, 142.

<sup>6</sup> Mass. Col. Recs., Vol. I, p. 126.

<sup>7</sup> *Ib.*, p. 274.

<sup>8</sup> *Ib.*, Vol. V, 59.

<sup>9</sup> For prosecutions under these and other laws of the same import, see *Econ. and Social Hist. New Eng.*, Weedon, p. 289; *Hist. of Lyme, Lewis and Newhall*, p. 233 et seq.

legislation touching dress.<sup>1</sup> No one who has written about Peters's "lies" during the sixty years since then seems to have been more fortunate. This fact must be counted among the modern wonders. In the singular omnibus act of 1660 New Haven clothed her magistrates with discretionary power to punish offenses, among others, in relation to "apparel."<sup>2</sup> That is, each magistrate might proceed according to his judgment of what was improper apparel, and also of what punishment was proper to inflict for wearing it. Still, it is evident that New Haven never displayed the morbid anxiety of Massachusetts on this subject.<sup>3</sup>

37. "When parents refuse their children convenient marriages the Magistrates shall determine the point." Neal's abstract of the law thus reads: "Children to be redrest by the magistrate if deny'd convenient marriages."<sup>4</sup> The original may be found in the Massachusetts Body of Liberties.<sup>5</sup> "If any parents shall wilfullie and unreasonably deny any childe timely or convenient marriage, or shall exercise any unnatural severitie towards them, such children shall have free liberties to complain to authoritie for redresse."

19. (First part.)<sup>6</sup> "No one shall travel \* \* \* on the Sabbath day." This specification is founded on laws which grew more rather than less severe as the seventeenth century passed into the eighteenth,<sup>7</sup> and which lasted on into our own century.<sup>8</sup> In Connecticut, by a statute passed in 1751,<sup>9</sup> all assistants and justices of the peace were instructed to complain of persons whom they saw guilty of unnecessary travel on the Sabbath day, and all sheriffs, constables, grand-jurymen, and tithing men to watch for and arrest without warrant

<sup>1</sup> Historical Discourse, p. 108. See also Bacon's Historical Discourses, p. 97, ed. of 1839.

<sup>2</sup> Records of New Haven Jurisdiction, 1653-1664, p. 366.

<sup>3</sup> In 1637 John Gatchell, of Marblehead, was fined 10 shillings for some offence, but told that if he would "cut of ye long har off hys head into a sevil frame," one half of the fine would be remitted. It is pleasant to know that he did not cut it off. "Hist. and Traditions of Marblehead", p. 12. Salem Recs., June, 1637.

<sup>4</sup> Neal's App., p. 332.

<sup>5</sup> Sec. 83.

<sup>6</sup> This part of the statement is fully authenticated and so must be separated from the remainder, which would come under a different original statute and is not so fully authenticated.

<sup>7</sup> The people of Windham, N. H., as late as 1784, successfully petitioned the general court for stricter laws against Sunday travel. But they were not satisfied, and three years later petitioned again. See Prov. Papers of New Hamp., Vol. XIII, pp. 715, 717.

<sup>8</sup> Massachusetts Judges were arrested in Maine for Sunday travel in 1804. See Note 5.

<sup>9</sup> Session laws of Conn. of 1751, p. 259.

all such offenders, or become themselves liable for neglect.<sup>1</sup> Massachusetts punished people for traveling beyond the town line to meeting, as a profanation of the Sabbath, unless that meeting was of the sort allowed by law.<sup>2</sup>

35. (Four clauses.)<sup>3</sup> "No one shall read Common Prayer, keep Christmas or Saints' days, dance, (or) play cards."<sup>4</sup>

(a) *Common Prayer*.—The royal commissioners sent over by Charles II in 1665 to investigate affairs of the colonies required Massachusetts and Connecticut to repeal the laws which might render members of the Church of England liable for heresy.<sup>5</sup> Three years earlier the King's letter had demanded that Massachusetts should allow the Book of Common Prayer to be used, providing that persons should so use it as not to disturb others.<sup>6</sup> I doubt if there was an express statute forbidding the Book of Common Prayer. This would have been impolitic and unnecessary, since any but the most private use would have rendered persons liable under the statutes forbidding unlawful assemblies,<sup>7</sup> and debarring the heterodox from all privileges of a freeman. Massachusetts seems to have been rather noncommittal in its answer to the King's commissioners, but the latter reported to the sovereign that Connecticut would not "hinder anyone from enjoying the sacraments and using the Common Prayer, provided they hinder not the maintenance of the public minister."<sup>8</sup> Connecticut, then, had hindered the use of Common Prayer, and agrees to desist only with a proviso,<sup>9</sup> while Massachusetts answers in a meek and

<sup>1</sup>In 1812 the grand jurors of North Haven, Conn., complained to Joshua Barnes, justice of the peace, that Joel Pierpont "did at sd. Northhaven on the 5th day of January, 1812, last past, brake the laws of this State respecting the Sabbath, by traveling from hous to hous from one part of the town to the other and disturbing the good people of this town." He was consequently arrested by warrant from the justice, tried before him, and subjected to fine and costs. Original MS. papers in possession of Sheldon B. Thorpe, of North Haven.

<sup>2</sup>Mass. Col. Recs., Vol. IV, pt. 2, p. 395.

<sup>3</sup>Palfrey quotes law 35 with others and affirms "These statements are without historical foundation" (Hist. New Eng., II, 32, n.) We prove that he was mistaken.

<sup>4</sup>The six particulars contained in the 35th "law" are wholly unrelated and consequently separable. The first four stand on a different historical footing than the remaining two.

<sup>5</sup>Mass. Col. Recs., Vol. IV, pt. 2, p. 211.

<sup>6</sup>Ib., p. 164.

<sup>7</sup>For a case of proceedings against an Episcopalian minister in Stratford, Conn., under these statutes, see Documentary Hist. of P. E. Church, Conn., Hawkes and Perry, Vol. I, pp. 33, 42.

<sup>8</sup>The King sent a letter to express his gratification at the obedience of Connecticut. See Trumbull's Hist. of Conn. I, 536-7.

<sup>9</sup>It is amusing to find this consent extorted from a reluctant colony cited as a proof of "the liberality, so extraordinary for the times, which was manifested to those who dissented from their religious views." W. L. Kingsley in "New Englander," Apr., 1871.

mild manner which is, nevertheless, sufficiently significant of what the methods had been and were likely yet to be.<sup>1</sup>

(b) *Christmas and Saints' days*.—Neal, too, reports "No feasts or festivals to be observed."<sup>2</sup> What shall be said of the charge that the observance of these festivals was forbidden? That on May 11, 1659, a law was enacted in Massachusetts which in part reads as follows: "Whosoever shall be found observing any such day as Christmas or the like, either by forbearing of labor, feasting, or any other way,<sup>3</sup> as a festival, shall be fined five shillings." Twenty-two years later certain laws excepted to by the King's attorney-general were repealed, among them that concerning the observance of Christmas and feast days.<sup>4</sup>

(c) *Dancing*.—In the New Haven omnibus act of 1660, to which reference has been made, one of the offenses legislated against was "mixed dancing." Magistrates were empowered to punish according to discretion.<sup>5</sup> In the early days of Massachusetts persons were brought before the general court and admonished for dancing.<sup>6</sup> In 1685 Mr. Francis Stepney, a dancing master, was bound over for trial and warned not to teach dancing in the meantime on pain of suffering for contempt of court.<sup>7</sup> We find cases in New Plymouth Colony also of presentments made for "mixed dancing."<sup>8</sup> This specification of the Rev. Samuel may pass.<sup>9</sup>

(d) *Play cards*.—So we find in Neal that it was forbidden for "Cards or dice to be used on penalty of five shillings."

<sup>1</sup>Massachusetts answered that she had never disallowed people "not in a church way" to form "church estates" of their own, provided they "do it in a Christian way with the observation of the rules of Christ appointed in his holy word" and "with the approbation of the civil government and of neighboring congregations." Mass. Col. Rec's, Vol. IV, pt. 2, p. 220. As for Massachusetts general court, it at first flatly refused to allow the use of Common Prayer, saying that the people would not have left England if they could have "scene the word of God warranting us [them] to performe our devotions in that way and to have the same set up here. Wee conceive it is apparent that it will disturbe our peace in our present enjoyments." Mass. Col. Recs. IV, pt. 2, 200. Later the court employed language less emphatic, but ambiguous and disingenuous. Ib. IV, pt. 2, 220.

<sup>2</sup>Neal's App., 343.

<sup>3</sup>General Laws, Revision of 1672, p. 57.

<sup>4</sup>Mass. Col. Recs., Vol. V, p. 321. In 1665 the royal commissioners reported to His Majesty concerning Massachusetts, "They have many things in their Lawes derogatory to his Majestic's honour, of which ye Commissioners made a Breviat, and desired that they might be altered, but they have yet done nothing in it. Amongst others whoever Keeps Christmas Day is to pay five pounds." Maine Hist. Soc. Colls., Series 2, Vol. 4. They should have reported the fine as five shillings, not pounds.

<sup>5</sup>Recs. Col. of New Haven, 1633-1636, p. 366.

<sup>6</sup>Mass. Col. Recs., Vol. I, p. 233.

<sup>7</sup>Diary of Judge Samuel Sewall, in Mass. Hist. Soc. Colls., Series 5, Vol. V, p. 112.

<sup>8</sup>Ply. Recs., Vol. II, p. 174.

<sup>9</sup>See also "General Laws of Mass.," Revision of 1672, p. 57, for law against dancing in taverns.



And such was the fact. All over New England card playing was prohibited on pains and penalties. Connecticut made a catalogue of "dice, cards, tables, bowles, shuffleboard, billiards, coytes, keites, loggett," etc., and forbade them in taverns or private houses, on penalty of a fine to each person playing "of what rank or quality soever" and to the innkeeper, or head of the family allowing the game.<sup>1</sup>

More than this, I lately had in my hands the manuscript records of Joshua Barnes, acting as justice of the peace in North Haven. Therein it appeared that seven young men were apprehended and tried for playing cards, "which is of evil example and contrary to the laws of the State." They were fined \$3.34 apiece, besides \$1.27 costs. And the date of these prosecutions was 1812.<sup>2</sup>

44. "Married persons must live together or be imprisoned." We make another excursion to Neal and find these words, "Married persons must live together, unless the court of assistants approve of the cause to the contrary."<sup>3</sup> Peters deviates from his copy in this instance, but his deviation was warranted by precedents in his own mother colony. Elizabeth Way, for example, was presented at the New London court, in the year 1682, "for not living with her husband." She was ordered to go to her husband or be imprisoned.<sup>4</sup>

The general court of Massachusetts in 1665 ordered William Tilly and his wife to live together, him to support her and her to obey him, else he would be fined £40 and she imprisoned.<sup>5</sup> In 1669 Christopher Lawson and his spouse were "enjoined to live quietly and peaceably together as man and wife" on penalty, in case either failed to obey, of imprisonment in the house of correction or of banishment.<sup>6</sup> But it was more usual to fine such delinquents,<sup>7</sup> or to send them out of the colony to their forsaken partners.<sup>8</sup> We should conclude, then, that this forty-fourth allegation of Peters was justified by the occasional practice of the courts.

<sup>1</sup> "Acts and laws of Conn.," Revision of 1702, p. 45.

<sup>2</sup> MS. Recs. of Joshua Barnes, justice of the peace, owned by E. H. Barnes, New Haven, Conn. See also Mass. Col. Recs., Vol. IV, Pt. I, p. 366. See also "Prov. Papers of New Hampshire," Vol. XIV, p. 117, where a similar act passed in 1718 is given. See also Me. Hist. Coll., Series I, Vol. I, p. 378.

<sup>3</sup> Neal's App., p. 356.

<sup>4</sup> "Hist. New London," p. 251.

<sup>5</sup> Mass. Col. Recs., Vol. IV, pt. 2, p. 288.

<sup>6</sup> *Ib.*, p. 426.

<sup>7</sup> *Ib.*, Vol. III, p. 349, etc.

<sup>8</sup> Me. Hist. Soc. Cols., Ser. 1, Vol. I, p. 369. This is a case of a man in York, Province of Maine, ordered to bring his wife from England within a year or else return to that country.

## II. LAWS SUBSTANTIALLY TRUE.

1. "The Governor and Magistrates, convened in general Assembly, are the supreme power under God of this independent Dominion."<sup>1</sup>

The New Haven Code of 1665<sup>2</sup> declares the civil doctrine that—

Though they humbly acknowledge that the Supream power of making laws and of repealing belongs to God only \* \* \* yet civill rulers and courts and the Generall Court in particular (being intrusted by the freemen as before) are the ministers of God for the good of this people and have power to declare, publish, and establishe for the plantations within their jurisdictions the lawes he hath made \* \* \* and to require due extension of them.

God only is recognized as the fountain of law and authority. There is no word of recognition of the royal prerogatives here or elsewhere. No New Haven law was ever passed in the name of majesty, nor was the King's name used in the statute books of Connecticut or Massachusetts Bay till considerably after this date. The latter colonies claimed absolute power to terminate all civil and criminal cases under their charters. New Haven had no charter, but exercised not less absolute power. The chartered colonies were bound not to make laws repugnant to those of England, but fought every attempt of the mother country to make this clause valid, thus hastening the day of royal governors. New Haven was bound by no such stipulation and contemplated no such interference.

4. "The Governor shall have only a single vote in determining any question, except a casting vote when the Assembly may be equally divided." Neal says: "The governor (is) to have the casting vote in this as in other civil assemblies."<sup>3</sup> Now, either Peters was exactly right, that the governor had nominally one vote but in case of a tie cast another, or else he had only a casting vote, and his power was even more limited than Peters supposed.<sup>4</sup> The governor certainly had no veto power. Were not the point involved in some obscurity, I

<sup>1</sup>There is a verbal inaccuracy here. It should have been "governor, magistrates, and deputies." But the inaccuracy was not meant to deceive, could not deceive anyone. How could there be a general court or assembly without some kind of representation of the people?

<sup>2</sup>Records of New Haven Jurisdiction, 1653-1664, p. 569. Besides, Law 5 shows how Peters understood it.

<sup>3</sup>Neal's App., p. 366.

<sup>4</sup>The object of the fourth, fifth, and sixth of Peters's specifications was to show how rampant democracy in the colony was, limiting the power of the governor in every direction.

should assign the law to the first class, for there is reason to believe it is literally correct. The New Haven Code says:<sup>1</sup>

And nothing shall be concluded and pass as an act of the general court (unlesse in cases expressly excepted) but by the consent and vote of the major part of the magistrates, together with the consent and vote of the greater part of the deputies.

But who were the "magistrates" who voted upon every question? They were not exclusive but inclusive of the governor and deputy governor, as we have seen. The code declares: "All which both governor, deputy governor, magistrates, and plantation deputies shall have a vote in the said court." So the governor had a normal and customary vote on every question. But what in case of a tie? The code omitted to state in reference to the general court what should be done in this emergency. But it did provide that in the court of magistrates "the governor, and in his absence the deputy governor, when votes in other respects are equal, shall \* \* \* have a casting voyce." In the plantation court "the casting voyce shall be in the governor or deputy governor or magistrates present." It is nearly certain that the general court would adopt a similar procedure.

We may add that at least one governor of New Plymouth Colony, William Bradford, had a normal and regular double vote. He does not seem to have received this till his third term in office. But he may have had, and probably did have all the while, a casting vote.<sup>2</sup>

11. "No man shall hold office who is not found in the faith and faithful to this Dominion; and whoever gives a vote to such a person shall pay a fine of £1; for a second offense he shall be disfranchised." Neal's version is as follows:

No man (is) to be a deputy who is not found in the main points of religion regular in his conversation or faithful to the government; who ever votes knowingly for such pays five shillings.<sup>3</sup>

The original statute of Massachusetts (not New Haven) declares that no man, though a church member, shall be accepted as a deputy by the general court "that is unsound

<sup>1</sup> Recs. of New Haven Jur., 1653-1664, p. 570.

<sup>2</sup> Pilgrim Republic, Goodwin, p. 255. The date is 1624. The president of the "high council of war" in the time of Henry VIII had, at least on certain occasions, a double vote. See *Military Antiquities*, Francis Grose, London, 1801, Vol. II, p. 60.

<sup>3</sup> Neal's App., p. 338.

<sup>4</sup> Yet in New Haven, too, such a person was not eligible to office, and no one was allowed to vote for him.

in the main points of Christian religion \* \* \* or that is scandalous in his conversation, or that is unfaithful to this government \* \* \* and any person voting for one known to be such shall be fined five pounds."<sup>1</sup> It will be noted that Peters did not quote Neal correctly, but that the fact was "bluer" than either reported. The clause in Peters's version stating that for the second offense a person was to be disfranchised he may have supplied from tradition. There is no question that the magistrates had discretionary power thus to punish the offender, since they sometimes disfranchised culprits guilty of more venial crimes, and by the authority of no written statute.<sup>2</sup> Disfranchisement seems a very fitting penalty for persistent illegal voting.

24. "When it appears that any accused has confederates, and he refuses to discover them, he may be racked." If this be a forgery, it, like so many others, must be laid to Neal's account, not to the account of Peters, who copied it in a rather inverse order from the former writer. Neal puts it, "None (are) to be racked, unless it appears there are confederates and he won't discover them."<sup>3</sup>

Turning now to the Massachusetts Body of Liberties we read—

No man shall be forced by torture to confesse any crime against himselfe, nor any other, unless it be some capital case where he is first fullie convicted by cleare and sufficient evidence to be guilty. After which, if the cause be of that nature, that it is very apparent that there be other conspirators or confederates with him, then he may be tortured yet not with such tortures as be barbarous or inhumane.<sup>4</sup>

Neal's version is faulty, but Peters simply copies it, even to the use of the word "racked." The original law does not name the rack, but this discrepancy is merely verbal. In case the colonists had decided to torture they would doubtless have used the instrument whose use for that purpose had been familiar to their ancestors for two centuries. The rack admits of all grades of torture, from slight uneasiness to exquisite pain. Yet the seventeenth-century idea of what grade would

<sup>1</sup> Mass. Col. Recs., Vol. IV, part 1, p. 206.

<sup>2</sup> John Goss was disfranchised for "common railing." See "History of Marlborough," Charles Hudson, p. 244, and reference there. In 1659 Anthony Emery was disfranchised "for making a lye in ye face of the court," and Richard Nason "for entertaining Quakers." See Mass. Col. Recs., Vol. IV, part 1, p. 406.

<sup>3</sup> Neal's App., p. 366.

<sup>4</sup> Mass. Body of Liberties, sec. 47. Still retained in "General Laws," revision of 1672, p. 129.

be "barbarous and inhuman" differed, it is needless to state, from that current in our day. Whether torture was ever applied in Massachusetts is an alien question, which would probably merit a negative response. But by the authority of fundamental law the courts might order it, as Peters asserts.

25. "No one shall buy or sell lands without permission of the selectmen." The New Haven Code of 1655 contains a law forbidding anyone to "sel, give nor in anyway alienate or pass over, lease or let any house, or houslot or any part or parcel of any of them, or any land of any kind or quality soever" to an outsider without permission, on the penalty of a fine of £10.<sup>1</sup> A similar law, but with sterner sanctions, was enacted by Massachusetts in 1637.<sup>2</sup> But lying back of these were the town by-laws, in some cases passed before union with the colony. An interesting case came up in a New Haven court of magistrates,<sup>3</sup> May 28, 1660, respecting a "breach of an ancient order" made by the settlers on a neck of land called Hashamomock, "that what man soever that should desire to remove and so endeavor to make such sale of his accommodations should put in such neighbor as the other inhabitants liveing with him shall approve off." The magistrates recognized the agreement as binding. Of course the selectmen would voice the will of the inhabitants. Thus the lot of Thomas Hastings, of Dedham, was in 1639 declared forfeited because he had violated such an order of the town.<sup>4</sup> Sometimes it would seem that a closer interference with personal liberty was practiced. In Boston, March 29, 1647, it was ordered "that no Inhabitant shall farme, lett or put to sale to any person any howse or howses within this towne without first acquaintinge the selectmen of the towne their with."<sup>5</sup> We read in Salem Records that "Mr. Smith (junior) may purchase that 2-acre Lott from Mr. Burdett att £7,"<sup>6</sup> and in Massachusetts Records that "Wm. Curtis had leave to build upon his lot, his other dwelling being situated so inconveniently."<sup>7</sup> The general court of New Plymouth experienced such paternal solicitude for the safety of Joseph Ramsden as to admonish him "to come out

<sup>1</sup> Code of New Haven of 1655.

<sup>2</sup> Hutchinson's Hist. Mass. Bay, p. 62.

<sup>3</sup> Recs. of New Haven Juris., 1653-1664, p. 350.

<sup>4</sup> Dedham Recs. 1636-1659, p. 54. The original agreement may be found on p. 24.

<sup>5</sup> Boston Town Recs., March 29, 1647.

<sup>6</sup> Essex Hist. Soc. Colls., Vol. III, p. 45.

<sup>7</sup> Mass. Col. Recs., Vol. I, p. 252. See also Recs. of New Haven Col., Vol. I, p. 32, where a man "was rebuked for building a cellar and selling it without leave."

of the woods or by October his house (in the woods) will be torn down."<sup>1</sup>

It is fair to say, then, that Peters's statement, while defective, is too nearly correct to justify any indignation at his expense. The selectmen and the courts did at first restrain the liberty of buying and selling real estate to a considerable extent. They did so in order to maintain good society. Their attempt failed, and enforcement soon became impracticable.

26. "A drunkard shall have a master appointed by the selectmen, who are to debar him from the liberty of buying and selling." Magistrates in New Haven were authorized to "witness" against various offenses, including "idle living out of an industrious calling" and "drinking," according to discretion. Still greater was the discretionary power of the general court, which could put under government whenever it judged proper. An example may be cited from the records of New Plymouth. The house and land of one Webb Adey were in 1638 sold to the highest bidder, and himself placed as a temporary slave in the service of Governor Prince, because he had worked two Sabbath days, and especially because of his "disorderly living in idleness and nastyness."<sup>2</sup> He was probably a sot, to judge by his habits. In Connecticut no person, "householder or other," could "spend his time idly or unprofitably under pain of such punishment as the court shall have power to inflict."<sup>3</sup> As late as 1814 Solomon Bradley was the subject of complaint by the selectmen of North Haven for "idleness, mismanagement, and bad husbandry." He was arrested by warrant from Joshua Barnes, and by the same justice of the peace it was decided that an inventory of his estate should be forthwith taken<sup>4</sup> and he placed under a master.

The motive for this and most legal actions of this kind was the fear that the obnoxious person would "come on the town." Peters was certainly right in the main fact that drunkards were often placed under masters and debarred from the liberty of buying and selling by the selectmen who took their estate in charge.<sup>5</sup> It was because sottish habits were reducing them to

<sup>1</sup> Recs. of New Plymouth, Vol. III, p. 102. The date is June 3, 1656.

<sup>2</sup> Recs. of New Plymouth, Vol. I, pp. 87, 91. See also *Ma. Hist. Soc. Coll.*, Series 1, Vol. I, p. 379.

<sup>3</sup> Acts and Laws, Revision of 1673, p. 31.

<sup>4</sup> Original papers in possession of E. Henry Barnes, of New Haven.

<sup>5</sup> In the case of Solomon Bradley the selectmen were directed "to take his interest in possession."

idleness and poverty, so that they were in danger of becoming a public expense.

27. "Whoever publishes a lie to the prejudice of his neighbor shall set in the stocks or be whipped 15 stripes."<sup>1</sup> Neal has the statement—

Whoever publishes a lie to the prejudice of the publick or any private person pays 10 s. or sits in the stocks two hours for the first offence, for the second 20 s. or whipping ten stripes, for the third 40 s. or fifteen stripes. Every next fault increases 10 s. or five stripes.<sup>2</sup>

Neal is right, except he fails to state that the stripes could never exceed 40 at one time. Peters is right, except he fails to state that the penalties he names were the alternative ones for the first and third offenses. But in 1646 the New Haven court fined William Ball 40 shillings and costs for his "guileful carriage and untruth" in saying his gun was charged, and when it was discovered that he had left the powder out, laughing and admitting that he knew he had done so. So far as it is mentioned it was the first offense. It does not appear either that it was to the "prejudice of his neighbor." He appears to have been punished purely because of the iniquity of lying. His fine was equivalent to about \$50 to-day, and he would probably have preferred the stocks unless he was a man of means.<sup>3</sup>

36. "No gospel Minister shall join people in marriage; the magistrates only shall join in marriage, as they may do it with less scandal to Christ's church." I do not know whence the latter portion of this statement was obtained or whether it is an explanatory conjecture. But the main fact is found in Neal's Abridgement: "None are to marry persons but the magistrate."<sup>4</sup> This was true of the New England colonies generally. Take the New Haven law on the subject—it is sufficiently explicit: "No man, unless he be a magistrate in this jurisdiction, or expressly allowed by the general court, shall marry any person."<sup>5</sup> The historian Hutchinson says that he

<sup>1</sup>In reference to the law against lying, Professor Kingsley wrote, "It is a little remarkable that the author in this instance swerves less from the fact than perhaps in the case of any other law in his whole list." Historical discourse, Note N, p. 107. As this statement follows the admission that Peters erred in his version of this statute against lying, it amounts to a claim that not a single one of the 45 is authentic. Amazing!

<sup>2</sup>Neal's App., p. 355. Law passed in Mass., 1645. See Mass. Col. Recs., Vol. II, p. 104. It was transferred thence to Connecticut. See Code of 1650, title, "Lying."

<sup>3</sup>Recs. of New Haven Col., p. 264. In Massachusetts offenders were sometimes put at the door of the meeting house at time of service with tongue in a cleft stick and a placard on the hat announcing that they were there for lying. This surely involved as much shame as the stocks. See Essex Inst. Hist. Colls., Vol. VI. Records of Essex County court, 11th mo., 1st day, 1639.

<sup>4</sup>Neal's App., p. 356.

<sup>5</sup>New Haven Code of 1655, title "Marriages."

supposes there was no instance of a marriage by a clergyman during the whole existence of the first charter of Massachusetts.<sup>1</sup>

41. "A man that strikes his wife shall pay a fine of £10; a woman that strikes her husband shall be punished as the court directs." Neal's abstract reads:<sup>2</sup> "Whoever strikes his wife or her husband is fined not exceeding 10 l. or otherwise punished as the court directs." The law was bluer than the statement of it. That is to say, it made no discrimination in favor of the woman, and but awards to the culprit of either sex the alternation of a fine or some bodily punishment. The original statute was enacted by Massachusetts October 15, 1650. This is its language:<sup>3</sup>

It is ordered by this court and authority thereof that no man shall strike his wife, nor any woman her husband, on penalty of such fine, not exceeding ten pounds for one offence, or such corporal punishment as the shire court that hath examination thereof shall determine.

### III. LAWS NOT AUTHENTICATED, ESSENTIALLY MISSTATED, OR WHOLLY SPURIOUS.

19. (Second part.) "No one shall \* \* \* cook victuals, make beds, sweep house, cut hair, or shave on the Sabbath day." Here we have what was probably intended as an exhibit of extreme cases to which the laws against unnecessary work would apply. Take, for example, a statute enacted by Massachusetts in 1668, to the effect that "any servile work on the Sabbath," not of piety, charity, or necessity,<sup>1</sup> should be punished by fines, beginning with 10 shillings and doubling with any repetition of the offense.<sup>4</sup> Whether any particular task is necessary or not depends upon the interpretation of the age. Never could cutting hair have been considered necessary on the Sabbath. Cooking, sweeping, and shaving are not looked upon with favor as necessary and therefore justifiable labor on Sunday in many a New England household to this day. In the seventeenth century "making beds" could not have been necessary before sunset, when the Sabbath came to an end. And when we consider that the controlling element who emigrated here were Puritans deeply, darkly blue, and that they came over in the midst of the great Sabbatarian controversy,

<sup>1</sup> Quoted by Miss Caultkins in *Hist. of New London*, p. 194. Neal says: "All marriages in New England were formerly performed by civil magistrates." Vol. II, p. 253.

<sup>2</sup> Neal's App., 366.

<sup>3</sup> *Mass. Col. Recs.*, Vol. III, p. 212.

<sup>4</sup> *Ib.*, Vol. IV, pt. II, p. 395.



excited by the determination of the King, as the Puritans construed it, to subject the Sabbath to profanation,<sup>1</sup> can we for a moment believe that any of the enumerated acts were regarded necessary and befitting on the Lord's Day? How far magistrates, clothed with great discretionary powers, took cognizance of these particular acts we are deprived of the means of determining. Such cases are to be sought for mostly in the records of local justices of the peace,<sup>2</sup> and few or none of ancient date have survived. The presumption is that tithingmen, constables, and grand jurors, urged on by the stringent statutes making it their duty to complain of breaches of the Sabbath, did sometimes report instances of the kind, and that narrow and arbitrary magistrates sometimes treated them as within the scope of the law.<sup>3</sup>

18. "No one shall run on the Sabbath day or walk in his garden or elsewhere except reverently to and from meeting." Reference is had here to several laws which were familiar in Connecticut and Massachusetts. Persons might be prosecuted for running on the Sabbath day, if that running was near a meeting house and the worshippers considered themselves disturbed.<sup>4</sup> "Jumping" and "riding" in such vicinity was likewise dangerous, as a penalty of 40 shillings might follow. Peters's condensed version is hardly candid. Another law forbade "unnecessary walking in the streets or fields," etc.<sup>5</sup> What is to delimit a garden from a field, especially in the loose sense in which a New Englander speaks of his vegetable garden?<sup>6</sup> Most walking in the streets, "except to and from

<sup>1</sup> In 1632, Charles I revived his father's "Declaration concerning lawful sports to be used [on Sundays]." Archbishop Laud directed that all clergymen should read this in their churches. Puritan ministers generally declined to do so, and consequently received harsh treatment. Thereupon arose the Sabbatarian controversy.

<sup>2</sup> Called "justices of the peace," "commissioners for small cases," etc.

<sup>3</sup> The "Episcopal Clergyman" (Peters, p. 213) may have suffered from such literal application of the law. Perhaps, in truth, he combed his wig, etc., rather flauntingly in the faces of the Sabbatarians. For cases of prosecution for "sitting together on the Lord's Day under an apple tree," driving cattle, sailing a boat, "riding a journey," carrying grist from a mill," etc., see "Hist. New London," Caulkins, pp. 250-51. Case of "endeavoring to catch fish upon ye Lord's Day," York Deeds, Book V, pt. 2, folio 86. See also "Plym. Recs.," Vol. III, p. 28, etc.

<sup>4</sup> "Whatsoever person shall be guilty of any rude and unlawfull behavior on the Lord's Day, either in word or action, by clamorous discourse, or by shouting, hollowing, screaming, running, riding, dancing, jumping, winding horns or the like, in any house or place so near to any publick meeting house for divine worship that those who meet there may be disturbed," shall be fined 40 shillings. Session Laws of Conn. of 1721, p. 261.

<sup>5</sup> Conn. Laws, Revision of 1702, p. 105. Also see Revision of 1750. The Mass. law was passed May 18, 1653, and may be found in Mass. Col. Recs., Vol. III, p. 3.

<sup>6</sup> Who can affirm that the Episcopal minister whose miseries Peters relates (p. 213) was a myth? To me it seems very probable that in some ultra Episcopal-abhorring community the laws may have been applied in all their literalness. Of course Peters's version of the five counts of the indictment would minimize the amount of carelessness of which the minister had been guilty.

meeting," would be unnecessary on the Sabbath day. The closing clause, then, is of the nature of a corollary from the law. How dear the law against walking in the streets and fields on the Sabbath day was to the hearts of our ancestors may be seen from the fact that even the fear of the royal displeasure and the loss of their charter could not induce them to change it. The Massachusetts general court in 1681 were willing to change the laws referring to highway robbery, treason, and Quakers, in response to the pressure from the throne, but when it comes to the Sabbath law, it laconically remarks, "nothing altered."<sup>1</sup>

This, though we blacklist this eighteenth of Peters's series on account of its warped and defective statement, we are nevertheless compelled to admit that it has a considerable basis of fact.

20. "No woman shall kiss her child on the Sabbath or fasting day." This is about the most ridiculous of the whole lot. Yet we find Dr. Burnaby saying in his "Travels" that "a captain of one of the English ships of war stationed at Boston some years ago" returned from a cruise on Sunday, was met by his wife at the wharf, embraced and kissed her before spectators, and thereby "gave grave offence; it was considered an act of indecency and a flagrant profanation of the Sabbath," so that he was arrested and whipped for his act. Whether this was true or not we will not undertake to say. But there is no doubt that Burnaby thought it was true and that, as he says, it was communicated to him by persons of credit in Boston. Perhaps Peters, who we know had read and referred to this book, reasoned, "If a profanation to kiss a wife, why not to kiss a child?" Indeed, with our nineteenth century conceptions, we should find it hard to point out the vital distinction, though perhaps our fathers apprehended an element of impropriety in the former case absent from the latter.

It is interesting in this connection to find that in the year 1670, in New London, Conn., John Lewis and Sarah Chapman were prosecuted for "sitting together on the Lord's Day under an apple tree in Goodman Chapman's orchard."<sup>2</sup> Pray, what would be said of this case were Samuel Peters the only extant authority for its truth?

<sup>1</sup> Mass. Col. Recs., Vol. V, p. 321. See Hutchinson's Hist. of Mass. Bay, Vol. I, p. 443.

<sup>2</sup> Hist. New London, Caulkins, p. 250.

"Or fasting day," the twentieth "blue law" continues, as if days set apart by the authority of the general court were to be kept as holy as those hallowed from the beginning of the world. And so they were in New Haven Colony,<sup>1</sup> in Connecticut Colony,<sup>2</sup> and generally throughout New England. One trembles to record—for it sounds like "the baseless invention of an embittered" detractor—that in the year 1812, in North Haven, a party of young persons were fined for "recreating themselves and others by rolling down stones" off Great Rock on Fast Day.<sup>3</sup> Prosecutions for breach of Fast Day and of Thanksgiving Day were common well up into our own century.<sup>4</sup>

29. "Every rateable person who refuses to pay his proportion to the support of the Minister of the town or parish shall be fined by the Court 2 l. and 4 l. every quarter until he or she pay the rate to the Minister." Perhaps it was Peters's "mendacity" which made him use the unintelligible language "2 l. and 4 l. every quarter." But no, it was only awkwardness, for Neal says:

Where no church is gathered the rateable inhabitants chuse, with the advice of three neighboring ministers, giving 15 days' notice. If any refuse to pay his proportion he is fined by the quarter session 40 s. for the first offence and 4. 1 for every other.

There is, then, no disagreement between Peters and Neal, and if either should prove to be a liar it is not Peters, for he copied his lesson fairly, if clumsily. The truth is that Neal blundered in his abstract of a lengthy law. The statute passed in Massachusetts, February, 1693, does indeed say that the rateable inhabitants "shall meet and select a minister, with the advice of three neighboring ministers," and it does provide that somebody in case of neglect shall be fined £2 at first and £4 every following quarter that the neglect continues. But it is the selectmen or other responsible officers who neglect to call the meeting for choosing a minister who are to be fined, and not those who neglect to pay church rates.<sup>5</sup> There were, however,

<sup>1</sup>Recs. of New Haven Juris., 1653-1664, pp. 587-588.

<sup>2</sup>Session Laws of Conn., 1721, p. 267.

<sup>3</sup>MS. Recs. of Joshua Barnes, Justice of the peace, owned by E. H. Barnes, New Haven, Conn. The crime took place March 27. Two of the offenders heeded a warning and appeared April 15 to make complaint against themselves, and thus diminish costs. The same date eight more of the culprits were presented by the grand jury. By September 5 all but one had been brought into court and fined.

<sup>4</sup>Katherine Neal, of Maine, was presented for making a shirt on Thanksgiving Day. She plead ignorance, and was discharged on paying fees. This was in 1696. York Deeds, Bk. V, pt. 2, folio 88.

<sup>5</sup>Acts and Resolves of Mass., Vol. I, p. 103.

laws generally throughout New England compelling payment of taxes for the support of the minister, assessed according to amount of property. If not paid officers levied upon the offender's goods.<sup>1</sup>

33. "Whoever sets a fire in the woods and it burns a house shall suffer death, and persons suspected of this crime shall be imprisoned without benefit of bail." Neal says:

Whoever kindles a fire in a wood so as to hurt corn, before the 30th of April, or on Saturday or Sundays, pays the damage and half as much to the country. If not able to pay, is to be whipt with twenty stripes. Whoever sets fire to anything is to pay double damage and be whipt if ten years old. If it be a house, or such like, 'tis death, with the forfeiture of what makes satisfaction. Persons suspected of this to be imprisoned without bail until the next county court.<sup>2</sup>

Neal's is a correct abstract, except that the fire must not be kindled before the 10th of March or after the 30th of April, instead of before the latter date. How did Peters come to make such a blunder as he has in this instance made? How did Neal come to make a similar blunder in the case where he fixed a fine upon delinquent taxpayers instead of delinquent selectmen? Simply by hurriedly casting his eye down the lines and writing down the impression thus derived. "Whoever kindles a fire in a wood so as to hurt corn," Peters read, and, glancing down the lines, found a new sentence beginning, "If it be a house, or such like, 'tis death." The resultant in his mind then was, If anyone kindles a fire and it burns a field of corn he must pay damages, but if it burns a house he must suffer death. A clumsy error this, but no more so in his case than the like error was in the case of Neal, whom no one has accused of "forgery."<sup>3</sup> But there was a law in Massachusetts

<sup>1</sup> Mass: Part of the same general statute, Acts and Resolves, Vol. I, p. 103. Conn.: See Code of 1650; also, Acts and Laws, Revision of 1702, p. 85; also, Revision of 1750, p. 152, etc. New Haven: See Code of 1655.

<sup>2</sup> Neal's App., p. 342.

<sup>3</sup> This explanation of Peters's blunder was suggested by my own first impression derived from reading Neal's abstract, and corroborated by finding that others before whom I placed the abstract received the same first impression. The clumsiness which I ascribe to Peters consists not in his first misunderstanding an ambiguous paragraph, but in his failure subsequently to analyze its meaning. The case with which one can fall into such an error may be illustrated by the experience of so careful and painstaking a writer as Palfrey. In the History of New England (II, 32, n.) he speaks of "The Blue Laws of New Haven, which have been precisely described as making 'one thin volume in folio.'" The quotation is from Peters's History of Connecticut, and refers not to the Blue Laws of New Haven, but to the Acts and Laws of Connecticut. The passage (p. 85) reads: "The laws of the colony enacted by the authority of the charter are decent in comparison with the Blue Laws. They make one thin volume in folio. Yet exceptions may be justly made to many of them," etc. A natural mistake, truly, but the mantle of charity which we throw over Palfrey equally protects Peters from the implication of "falsehood" or "forgery" in this instance.

that if any person shall intentionally "set on fire any outhouse, barn, stable, stack of hay, corn, or wood, whereby any dwelling house, meeting house, storehouse, or ship shall happen to be burned, every such offender shall be put to death."<sup>1</sup> This law is almost blue enough to be construed as the "malevolent attack" of an enemy upon New England.

12. "Each freeman shall swear by the blessed God to bear true allegiance to this dominion and that Jesus is the only King." The oath of fidelity taken by the adult male inhabitants of New Haven colony begins<sup>2</sup>—

You being, by the providence of God, an inhabitant within New Haven jurisdiction, do freely and sincerely acknowledge yourself to be subject to the government thereof, and do here swear by the great and dreadful name of the everlasting God that you will be true and faithful to the same.

The oath<sup>3</sup> contained no such language as "and Jesus is the only King." But the inhabitants did by their oath swear by the name of God to be faithful to a government whose attitude is truthfully expressed by that very clause. We have seen that the general court professed to derive its power of making laws not from the King of England but from God. The same paragraph expressly acknowledges only one mediate authority between God and the general court, and that is Jesus Christ. This is the language:

Secondly, though they humbly acknowledge that the supream power of making laws and of repealing them belongs to God only, and that by Him this power is given to Jesus Christ as mediator (Matt. xxviii, 19; John v, 22), \* \* \* Yet civill rulers and courts, and this generall court in particular, \* \* \* are the ministers of God for the good of the people, and have power to declare, publish, and establish, for the plantations within their jurisdictions, the laws He hath made, &c.<sup>4</sup>

The clause "and Jesus is the only King," correctly represents the legal attitude and the sentiment of New Haven colony.

35. (Two clauses.) "(No one shall) make minced pies \* \* \* or play on any instrument of music except the drum, trumpet, and jew's-harp." The Puritans may have entertained

<sup>1</sup> Passed October 29, 1692. Acts and Resolves of Mass., Vol. I, p. 56.

<sup>2</sup> New Haven Code of 1655. Title, "Oath of Fidelity."

<sup>3</sup> The oath makes no mention, of course, of the King of England. Neither did that of Connecticut promise allegiance to the King or make any reference to him whatever. (See the Revised Statutes of Conn., 1873, Acts and Laws, p. 53.) The oath of allegiance to the King was ordered in Massachusetts by a royal letter in 1678 and first employed in consequence of that order. (See Mass. Col. Recs., Vol. V, pp. 192, 196.) Chief Justice Brayton, of Rhode Island, writes of the authorities of Mass. Bay and of New Plymouth in the early days. They "recognized no allegiance to any earthly power, none to the King of England, whose subjects they were." "R. I. Hist. Tracts," No. 17, pp. 44-46.

<sup>4</sup> New Haven Code of 1655.

a prejudice against mince pies as a sinful pampering of the flesh, but they probably did not make them the subject of judicial decisions. The last clause probably roughly represents a prejudice rather than a law of our ancestors. Yet they did forbid "singing, fiddling, piping, or any other musick in any public house." They resented the introduction of church organs by the Episcopalians. Certain musical instruments are regarded with horror, notably the violin, in some New England households to this day. On the other hand, the drum was used to summon the first settlers to meeting, and the trumpet at militia gatherings and at public proclamations. Perhaps Peters knew more about the New England affinity for jew's-harps than we. But one can not help suspecting that his own affinity for sarcasm obtruded itself in the wrong place. Here is the best place to hint "Selah," and let the antiphon sound.

7. "Whoever says there is a power and jurisdiction above and over this dominion shall suffer death and loss of property." Without doubt, here we have a gigantic blunder. Some may prefer to call it a lie. Whoever asserted that there was a power above the jurisdiction was apt to feel it in his pocket, but assuredly his neck was safe unless he supported his language by some treasonable act.

45. "Every male shall have his hair cut round according to a cap." To a limited extent this represents a Massachusetts enactment against long hair worn by men. To some extent it may represent a peculiar custom by which the "Round Heads,"<sup>1</sup> not of the Puritans of Cromwell's army, but of those nearer home, were produced. In the primitive days the most of hair dressing was, of course, done by the mistress of the family, and a cap, bowl, or even a pumpkin shell would help get an even contour. No one in the controversy has yet displayed sufficient knowledge of early methods of hair dressing to give his denial weight. I am content to leave the matter with a pregnant sentence from Hutchinson's History of Massachusetts: "The text against long hair in Corinthians, as contrary to the custom in the apostle's day, induced our ancestors to think it criminal in all ages and all nations. \* \* \* I have

<sup>1</sup> An epithet applied by the Royalists (Cavaliers) during the civil war of 1642-1649 to their opponents of the Parliamentary party, in allusion to the way in which the Puritans wore their hair. Rev. Charles Chauncey, president of Harvard College, preached against men's wearing long hair as a great evil, abominable in God's sight. See Goodwin's "Pilgrim Republic," p. 428, n. 2. John Elliot attributed the Indian war to God's wrath on this account and on account of the wearing of wigs. "Pilgrim Republic," p. 428, n. 2.

wondered that the text in Leviticus, 'Ye shall not round the corners of your heads,' was never brought against short hair. The rule in New England was that none should wear their hair below their ears."<sup>1</sup>

Let us summarize the results of our examination. In twenty-eight and one sixth paragraphs, for it seemed necessary to divide two of them, we found the material content authentic. In nine cases we discerned inaccuracies too slight seriously to impair the substantial import. If in a very few instances, as in No. 27, the severity of the law seems overstated, in other instances, as in Nos. 8, 11, and 34, it is certainly understated. In seven and five sixths paragraphs, we found lack of authentication, essential misstatement, or utter spuriousness, so far as legal enactments or judicial customs are concerned. But incidentally it appeared that the condemned class of statements did not all weigh so heavily against the character of their writer for veracity as would have been supposed. For one, No. 29, was rejected on account of a blunder which Neal originally made and Peters copied. Another, No. 33, has a blunder produced by Peters according to the same easy and careless process that Neal had employed. No. 19 is probably true throughout, if the evidence were forthcoming. There is a large amount of legal justification for No. 18. Only one clause in No. 12 is spurious, but as that seems related to the rest of the paragraph, we have excluded the whole. Yet that very clause states accurately the legal attitude of New Haven. No. 45 rests to a certain extent upon law, but more upon a social prejudice and, it may be, custom. If the rejected clauses of No. 35 are based upon similar popular prejudices, the foundation is too shadowy to be pleaded seriously. There is absolutely nothing to be said in extenuation of No. 7. Less than four, then, of the forty-five paragraphs written by Peters are liable to even the suspicion that they were forged by him. Yet Trumbull heads the entire list with the general caption, "The 'Blue Law' Forgeries of Samuel Peters." Over thirty-seven of those paragraphs must be allowed to stand, as expressions of literal or substantial fact. Of these, twenty-three at least were valid in New Haven; the rest in other parts of New England.<sup>2</sup> It is pleasant to read again, in this connection, the passage already quoted from a learned professor and his

<sup>1</sup> Hist. of Col. of Mass. Bay, Vol. I, p. 152.

<sup>2</sup> Of course some, indeed, most, of those valid in New Haven were also valid elsewhere in New England.

torian: "The legend<sup>2</sup> of the Blue Laws is the invention of Samuel Peters, a mendacious refugee, who in 1781 published in England a 'History of Connecticut.' Included in this odd medley of fact and fiction are these grotesque enactments, which never existed except in the imagination of the author of this book."

If Samuel Peters had had access to the records and had been a more painstaking investigator than he was, he could have made out a stronger case without perpetrating a single blunder. Let us test this by bartering the allegations which have been weighed and found wanting for genuine enactments of the olden time. We abstract a few, somewhat after the manner with which we have been made familiar.<sup>3</sup>

A child over 16 years old who strikes or curses his father or mother shall be put to death.<sup>4</sup>

A child over 16 years old who is stubborn and rebellious shall be put to death.<sup>4</sup>

Whoever, professing the Christian religion, shall wittingly deny the Song of Solomon to be the infallible word of God,<sup>5</sup> may be whipped 40 lashes and fined £50. On the second offence he shall be put to death or banished.

Whoever marries two wives or more shall be executed.<sup>6</sup>

A man who curses God in an express and high-handed manner shall be put to death.<sup>7</sup>

Saying that the Christian religion is a politic device to keep ignorant men in awe shall be punished with death.<sup>8</sup>

Whoever shall lie in wait and put out the eye of another shall suffer death.<sup>9</sup>

If the body of a bastard child be concealed by its mother so that it can not be told whether or not it was born alive, she shall be judged and executed as a murderer, unless she can produce at least one witness that it was born dead.<sup>10</sup>

<sup>1</sup> Prof. Geo. P. Fisher in *Colonial Era*, p. 130.

<sup>2</sup> A legend which some given person invented is a novelty.

<sup>3</sup> That is, we alter the wording sometimes so as to give only a portion of the content of the law, but not so as to be misleading.

<sup>4</sup> Except when notoriously neglected or driven by abuse. Both father and mother were required to make complaint before process could begin. *Acts and Laws of Conn.*, Revision of 1702, p. 12.

<sup>5</sup> Or any other book of the Bible. See *Mass. Col. Recs.*, Vol. III, p. 262.

<sup>6</sup> Wm. Norman, at the York court, was banished for bigamy. If not gone in seven days he was "to be put to death according to law." *Me. Hist. Soc. Colls.*, Ser. I, Vol. I, p. 370.

<sup>7</sup> See, for example, the *New Haven Code of 1655*, title, "Capital Laws."

<sup>8</sup> Part of the same general law with the preceding.

<sup>9</sup> *Acts and Laws of Conn.*, Revision of 1750, p. 69.

<sup>10</sup> *Ib.*, Revision of 1702, p. 13.



Any man who uses tobacco in the street shall be fined,<sup>1</sup> or if he do so in his own house, a stranger being present, he shall be fined,<sup>2</sup> or if he and another together they shall be fined,<sup>3</sup> but if on a journey, 5 miles from any house, he may smoke.<sup>3</sup>

Any single person without a servant, wishing to keep house by himself, must get the consent of the selectmen, unless he be a public officer.<sup>4</sup>

Persons not proved guilty, but lying under a strong suspicion of guilt, may be punished, though not so severely as would be the case had they been convicted.<sup>5</sup>

No man shall present a petition on a small and bad piece of paper on penalty of a fine.<sup>6</sup>

Every family must have a Bible, catechism, and other good books. Constables, selectmen, and grand jurors must warn all delinquents, and if they continue negligent must report them to authority.<sup>7</sup>

No man shall abuse a person holding public office by saying "thee" and "thou" to him.<sup>8</sup>

Thomas à Kempis's Imitation of Christ must be expurgated before anyone shall be permitted to publish it.<sup>9</sup> Thus we might go on selecting from the statutes and from the actual procedure of the courts. But the exchange already made

<sup>1</sup> Mass. Col. Recs., Vol. I, p. 100.

<sup>2</sup> *Ib.*, p. 126.

<sup>3</sup> *Ib.*, Vol. II, p. 151.

<sup>4</sup> Acts and Laws of Conn., Revision of 1750, p. 153.

<sup>5</sup> This correctly represents the practice in many instances. Thos. Pettet was severely whipped in 1637 "for suspiration of slander, idleness and stubbornness." See Mass. Col. Recs., Vol. I, p. 194. In 1653 the general court did "not find John Betts legally guilty" of murder, but "forasmuch as the evidence [held] forth great probability of his guilt" he was made to stand on the gallows with a rope around his neck, was soundly flogged, fined £15 and costs, and put under bonds for a year. See Mass. Col. Recs., Vol. III, p. 309. Nearly thirty years later a couple were tried in New Hampshire for adultery. The fact was not proved, but since it was "presumable to have been committed," the man and woman were sentenced to thirty and twenty stripes, respectively, or heavy fines. See New Hamp. Prov. Papers, Vol. XIV, p. 676.

<sup>6</sup> This is an actual case, not of a statute, but of an exercise of discretion. Robert Saltonstall was fined 5 shillings "for presenting his petition on so small and bad a piece of paper." See Hist. of Marlborough, Hudson, p. 244.

<sup>7</sup> Conn. Session Laws of 1715, p. 208. Not a dead letter December 30, 1769. Ruth Blay was executed in South Hampton, N. H., in the presence of a great crowd, for the crime of "concealing the birth of a bastard child, so that it might not come to light whether the said child was born alive or not." Provincial Papers of New Hamp., Vol. VII, p. 206.

<sup>8</sup> In 1670 Thos. Taylor was presented to the court at York for "abusing Capt. Francis Raynes, being in authority, by Theeing and Thouing him and many other abusive speeches." See Me. Hist. Soc. Coll. sec. 1, Vol. I, p. 373.

<sup>9</sup> This represents an order of the general court when it heard that the book of Thomas à Kempis, a popish minister, was in process of publication. Mass. Col. Recs., Vol. IV, pt. 2, p. 484.

probably does not cause the list of "blue laws" any less to constitute a symphony in indigo.<sup>1</sup>

In closing we must pay some attention to the question why Peters called the forty-five specimens of his exhibit the Blue Laws of New Haven. Some of them were peculiar to Massachusetts, and some never came into being till New Haven had ceased to be a separate colony; some were common to New England, and some were in force at the time that the General History of Connecticut was writing.

I do not think that a very elaborate answer is necessary, if we have thus far gained insight of Peters's mental habits. But, first, there is no charge that he invented the phrase "Blue Laws." Trumbull furnishes ample proof that the term was familiar before Peters used it.<sup>2</sup> Again, he did not forge its special application to New Haven. The satirical pamphlet of Noah Welles, which Trumbull quotes,<sup>3</sup> puts the phrase "Blue Laws at New Haven" into the mouth of the typical churchman, as if it were a common phrase in 1762. A passage in Smith's History of New York<sup>4</sup> speaks of the "first records of the colony of New Haven, vulgarly [commonly] called the Blue Laws." This distinguished chief justice of New York happened to be in New Haven in 1767 as one of the commissioners appointed to adjust the boundary line between New York and Massachusetts. He took the opportunity to satisfy his curiosity about the Blue Laws, and was handed the first book of New Haven records "as the only volume in the office passing under this odd title." He was surprised to find how far the popular notion of early New Haven severity was exaggerated.

He says: Few there are who speak of the Blue Laws \* \* \* who do not imagine they form a code or rules for future conduct, drawn up by an enthusiastic precise set of religionists, and if the invention of wits, humorists, and buffoons were to be credited, they must consist of many volumes.

<sup>1</sup>One of the "forged legal cases" which Rev. C. Hammond (Conn. Valley Hist. Soc. Papers, 1881, p. 105) alludes to is probably that of the negro who castrated his master's son, and for want of an express law on the subject was treated according to the Mosaic rule. (Gen. Hist. Conn., pp. 85-86.) Peters says the case occurred "above 30 years ago," i. e., before 1751. Now it happens that in the Revised Acts and Laws of 1750 there appears a law describing that offense. I have not been able to examine the session laws between 1721 and 1750 to tell just what year it was passed, but know that its enactment took place at some point between those dates. The penalty was made death. It seems very likely that some such event as that which Peters describes really took place and called forth the law. Douglass's attention was attracted by this statute, and he mentions it in his Summary (Vol. 2, p. 199).

<sup>2</sup>True and False Blue Laws, pp. 24-31.

<sup>3</sup>Ib., p. 29.

<sup>4</sup>Continuation of History of New York (posthumous), p. 93.

Still,

the selectman under the Blue Laws found it his duty to punish every contravention to the decorum enjoined by the broad commandments of Heaven. The good men and good wives of the new society were admonished and fined for liberties daily corrected, but never made criminal by the laws of large and well-poised communities.<sup>1</sup> So far is the common idea of the Blue Laws being a collection of rules from being true, that they are only records of convictions consonant, in the judgment of the magistrates, to the word of God and dictates of reason.

Then follows this very pregnant passage:<sup>2</sup>

These remarks were by the author communicated to Mr. Hutchinson, of Boston, then one of the commissioners, and to other gentlemen of eminence in the colony and of the very town of New Haven, who heard them as novelties, nor would the former adopt them till he had recourse next day to the records themselves.

I submit that it is certain by the language of this judicial and veracious writer that the conviction that ancient New Haven had possessed a code of such signal severity as to justify the title "blue laws" was prevalent in New York, in Massachusetts, and in the very town of New Haven itself, not only among the common people, but among men of education and station, including judges and statesmen.<sup>3</sup> It is not our business to account for the origin of this conviction.<sup>4</sup> Suffice it that the Rev. Samuel Peters was bred in this conviction, surrounded by it, shared it fully. The discoveries of Judge Smith did not undeceive him, for they were not published till

<sup>1</sup> Trumbull omits the paragraph down to this point.

<sup>2</sup> Which Trumbull likewise omits to append to his long quotation from Smith.

<sup>3</sup> Trumbull (*True and False Blue Laws*, p. 24) thinks the notion of New Haven blue laws arose between 1720 and 1750. There is reason to believe it older. Ward's *Trip to New England*, published in 1699, pictures New Haven as specially severe in her criminal justice, which he caricatures by representing that all her inhabitants had been "whipped for some misdemeanor or other except two, the minister and the justice." Of course Ward was a scandal monger, but scandal mongers are the best witnesses when the very question we are seeking to answer is, what was the current gossip—what were the popular notions afloat.

<sup>4</sup> Probably it had its rise from two main facts: (1) New Haven, by the act of April, 1644, placed her judicial system more formally upon the basis of the Mosaic code than did any other colony. (2) New Haven never had a jury, but left full determination both of the law and the fact to the judgment of the governor and his associates on the bench. The possibilities of tyranny inherent in such a system impressed the Massachusetts historian, Hubbard, (*Hist. of New England*, p. 332), who, writing in 1682, describes the New Haven system, and adds, "What more can be done for the establishment of arbitrary power!" He seems to have believed that the execution of criminal justice there was, in fact, peculiarly severe, for he remarks in another place (*Hist. New Eng.*, p. 323, in *Mass. Hist. Soc. Colls.* ser. G, vols. 4-5): "They were very vigorous in the execution of justice, and especially the punishment of offenders." This of course was written from his standpoint of familiarity with Massachusetts justice. The passage proves nothing as to the fact, but is evidence as to the opinion thus early cherished regarding New Haven. See also Cotton Mather's remarks on Davenport, his severity, and the failure of his Church-state, *Magnalia*, Vol. I, p. 328.

1824, forty-three years after the General History of Connecticut was written. Printed records and treasuries of manuscripts were not available to him as to us. Had they been he had no critical instinct or training to have enabled him to reach correct results, though he might have made fewer errors. In this last observation lies the rest of the story. He probably heaped together notes for his book, gathered from various sources, but with no care whatever to indicate whence he got them. When he came to write he could no longer tell, in many instances, even the title of the book which he wished to quote or whence his extracts were taken. We have seen that he seldom mentions more than the name of the author; that once, when he attempts to name a title, the result is completely wrong; that he could confound Whitefield with James Davenport, and mix up dates and events when such transference could not serve a malign purpose.

He could pronounce the laws of Connecticut "decent" in comparison with the blue laws<sup>1</sup> of New Haven, yet in the same breath condemn as "intolerable" a Connecticut statute which he had already included in the New Haven Code. What particular point could he have been seeking by intentionally exposing himself to his enemies by such a transparent inconsistency? No, all this points to the slovenly habits of a mind unmethodical in the extreme. When in his careless notes he came upon any excerpt embodying an unusually severe law, or when he conjured such a one up from his own memory, the ruling passion, the strong prepossession would incline him to assign it to the dead limbo of New Haven. Yet he did not claim that New Haven monopolized this kind of legislation. Indeed, he expressly says in one place that "The laws made by the governor and council of Hartford are, in general, much of the same stamp as those of the New Haven legislators,"<sup>2</sup> and in another, "Similar laws still prevail over New England,"<sup>3</sup> both of which statements were fully justified by the facts.<sup>4</sup> The statutes of Connecticut up to 1750 have already been sufficiently quoted. But I have examined the Connecticut Acts and Laws of 1769—the very copy, by the way, that lay in the clerk's office of Peters's own town of Hebron—and this is what I find: Courtship without consent, directly or indirectly, was

<sup>1</sup> Gen. Hist. of Conn., p. 85, "Trespass by night."

<sup>2</sup> *Ib.*, p. 42.

<sup>3</sup> *Ib.*, p. 61.

<sup>4</sup> J. Hammond Trumbull treats the affirmation as being transparently absurd. (True and False Blue Laws, p. 42.) But Peters did not pointedly refer to cutting the hair round and to mince pies and then say, "they or similar laws still prevail over New England." He said that there were a vast number of Blue Laws and that similar laws still prevailed over New England.

against the law.<sup>1</sup> It was forbidden to play at cards, dice, tables, and other old-time games.<sup>2</sup> Children must be educated or they would be taken away from their parents.<sup>3</sup> Travel on the Sabbath day was against the law.<sup>4</sup> The person suspected of trespass by night or of secret assault must prove an alibi or be punished as guilty.<sup>5</sup> "Direct, express, presumptuous, and high-handed blasphemy" was threatened with death.<sup>6</sup> No young man under 21, or young woman under 18, was to be out after 9 o'clock at night without the approbation of their parents.<sup>7</sup> Young people must not meet in company, unless for religious purposes, on Saturday or Sunday evening.<sup>8</sup> These or similar statutes, which we will not refer to more particularly, were to be found all over New England.<sup>9</sup>

We conclude, then, that Peters, in spite of his blunders, does not seriously misrepresent the spirit of the sterner side of New England legislation, and that patriotic souls<sup>10</sup> have no real cause to complain. The justification for such legislation, which may in some degree be possible; the consideration of the question how far it was really put into practice, especially in the case of capital laws; and all comparison between it and the legislation of other colonies or of Old England, which would possibly show our fathers in advance of their times, lies entirely without the province of this paper.

<sup>1</sup> Acts and Laws of Conn., Revision of 1769, p. 144.

<sup>2</sup> *Ib.*, p. 20.

<sup>4</sup> *Ib.*, p. 259.

<sup>3</sup> *Ib.*, pp. 172, 186.

<sup>5</sup> *Ib.*, p. 69.

<sup>6</sup> *Ib.*, p. 81.

<sup>7</sup> *Ib.*, p. 172.

<sup>8</sup> *Ib.*, p. 140.

<sup>9</sup> At first glance one might lift his eyebrows at the statement that the "vast multitude" of blue laws in New Haven "were all sanctified [i. e., sanctioned] with excommunication, confiscation, fines, banishments, whippings, cutting off the ears, burning the tongue, and death" (Peters, p. 61). But these punishments were all provided for by law, except that of "cutting off the ears." I do not remember a recorded case of this kind in New Haven. Yet there may have been. The discretion which was left to the court in the punishment of some offenses would make it possible. Thus, by the Code of 1655, the second conviction for profane swearing or cursing was to be followed by whipping. But if the swearing and cursing both existed in the same complaint, the offender was to be punished either by a large fine or "corporally by due severity, as the court shall judge meet." Ear cropping was done in Massachusetts. Peters might have added the pillory and the stocks to his catalogue and he would have named about every mode of punishment that the New Haven fathers knew. Imprisonment was then hardly recognized as a form of punishment. It was chiefly a means of detention till the trial or the punishment proper could take place.

<sup>10</sup> One of the patriotic spirits remarks complacently that the Bill of Rights contained in the constitution of Connecticut and other colonies expresses "the American idea of the object of civil government." If this be true, then the celebrated clauses in Magna Charta, whence the Bill of Rights was derived, had a prophetic foresight of the "American idea," more than two centuries and a half before America was discovered. (See W. L. Kingsley's article in *New Englander*, Vol. XXX, p. 278.)

APPENDIX.

PETERS'S ABSTRACT OF THE "BLUE LAWS" AS GIVEN IN HIS "GENERAL HISTORY OF CONNECTICUT."

[1] The governor and magistrates convened in general assembly are the supreme power under God of this independent dominion.

[2] From the determination of the assembly no appeal shall be made.

[3] The governor is amenable to the voice of the people.

[4] The governor shall have only a single vote in determining any question, except a casting vote when the assembly may be equally divided.

[5] The assembly of the people shall not be dismissed by the governor, but shall dismiss itself.

[6] Conspiracy against this dominion shall be punished with death.

[7] Whoever says there is power and jurisdiction above and over this dominion shall suffer death and loss of property.

[8] The judges shall determine controversies without a jury.

[9] Whoever attempts to change or overturn this dominion shall suffer death.

[10] No one shall be a freeman, or give a vote, unless he be converted and a member in full communion of one of the churches allowed in this dominion.

[11] No man shall hold any office who is not sound in the faith and faithful to this dominion, and whoever gives a vote to such a person shall pay a fine of £1; for a second offense he shall be disfranchised.

[12] Each freeman shall swear by the blessed God to bear true allegiance to this dominion, and that Jesus is the only King.

[13] No Quaker or dissenter from the established worship of this dominion shall be allowed to give a vote for the election of magistrates or any officer.

[14] No food or lodging shall be afforded to a Quaker, Adamite, or other heretic.

[15] If any person turns Quaker, he shall be banished and not suffered to return but upon pain of death.

[16] No priest shall abide in this dominion; he shall be banished, and suffer death on his return. Priests may be seized by anyone without a warrant.

[17] No one to cross a river but with an authorized ferryman.

[18] No one shall run on the Sabbath day, or walk in his garden or elsewhere, except reverently to and from meeting.

[19] No one shall travel, cook victuals, make beds, sweep house, cut hair, or shave on the Sabbath day.

[20] No woman shall kiss her child on the Sabbath or fasting day.

[21] The Sabbath shall begin at sunset on Saturday.

[22] To pick an ear of corn growing in a neighbor's garden shall be deemed theft.

[23] A person accused of trespass in the night shall be judged guilty, unless he clear himself by his oath.

[24] When it appears that an accused has confederates, and he refuses to discover them, he may be racked.

- [25] No one shall buy or sell lands without permission of the selectmen.
- [26] A drunkard shall have a master appointed by the selectmen, who are to debar him from the liberty of buying and selling.
- [27] Whoever publishes a lie to the prejudice of his neighbor shall sit in the stocks or be whipped fifteen stripes.
- [28] No minister shall keep a school.
- [29] Every ratable person who refuses to pay his proportion to the support of the minister of the town or parish shall be fined by the court £2 and £4 every quarter, until he or she pay the rate to the minister.
- [30] Men stealers shall suffer death.
- [31] Whoever wears clothes trimmed with gold, silver, or bone lace, above two shillings by the yard, shall be presented by the grand jurors, and the selectmen shall tax the offender at £300 estate.
- [32] A debtor in prison swearing he has no estate shall be let out and sold to make satisfaction.
- [33] Whoever sets a fire in the woods, and it burns a house, shall suffer death, and persons suspected of this crime shall be imprisoned without benefit of bail.
- [34] Whoever brings cards or dice into this dominion shall pay a fine of £5.
- [35] No one shall read Common Prayer, keep Christmas or Saints' days, make minced pies, dance, play cards, or play on any instrument of music except the drum, trumpet, and jew's-harp.
- [36] No gospel minister shall join people in marriage; the magistrates only shall join in marriage, as they may do it with less scandal to Christ's Church.
- [37] When parents refuse their children convenient marriages, the magistrates shall determine the point.
- [38] The selectmen, on finding children ignorant, may take them away from their parents and put them into better hands, at the expense of their parents.
- [39] Fornication shall be punished by compelling marriage, or as the court may think proper.
- [40] Adultery shall be punished with death.
- [41] A man that strikes his wife shall pay a fine of £10; a woman that strikes her husband shall be punished as the court directs.
- [42] A wife shall be deemed good evidence against her husband.
- [43] No man shall court a maid in person, or by letter, without first obtaining consent of her parents; £5 penalty for the first offense; £10 for the second; and for the third, imprisonment during the pleasure of the court.
- [44] Married persons must live together or be imprisoned.
- [45] Every male shall have his hair cut round according to a cap.

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IX.—THE CONNECTICUT GORE LAND COMPANY.

By ALBERT C. BATES,  
LIBRARIAN, CONNECTICUT HISTORICAL SOCIETY.

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## THE CONNECTICUT GORE LAND COMPANY.

By ALBERT C. RATES.

The war of the revolution being ended, the national Constitution ratified and adopted, and a season of hopefulness if not of actual prosperity entered upon, the citizens of Connecticut, at the opening of the last decade of the eighteenth century, looked upon their State house and felt it due to the dignity of the State that they should tear down and build greater.

Accordingly, the general assembly in May, 1792, appointed a committee, consisting of John Chester, Noadiah Hooker, John Caldwell, John Trumbull, and John Morgan, five prominent citizens of Hartford, to build a "large and convenient State house," the State agreeing to pay £1,500 toward the expense of building on condition that the citizens of Hartford—city, town, and county—would contribute a like amount. This the citizens appear to have been ready to do, and a subscription paper was opened on the 1st day of June. The first and largest subscription was that of Jeremiah Wadsworth, the commissary-general of the revolution, for \$500. He was followed by Mayor Thomas Seymour for \$150, and he by George Wyllys for \$130. Next come three of the five members of the committee—John Trumbull, John Caldwell, and John Morgan—for £50, £40, and \$120, respectively. Such other prominent names appear on the paper as Barnabas Deane, Chauncey Goodrich, Oliver Ellsworth, Noah Webster, jr., Jesse Root, Andrew Kingsbury, and Nathaniel Terry. The whole amount subscribed on this paper was about £1,100, or over \$3,600. In aid of the project the city also gave \$3,500, and the county \$1,500.

This was a formative and critical period with the country; the ship of state was not yet under full sail and certain headway; money was scarce; the old currency was very much depreciated or utterly worthless; the new government was just

beginning to issue coin, but as yet only in small quantities. In short, no worse time could have been chosen in which to devise means for the payment of the expense of erecting a large public building.

Foreseeing difficulty in raising the necessary amount, the building committee applied to the assembly, in May, 1793, for the privilege of a lottery, which was granted, and the following month they issued a "scheme" of the Hartford State House Lottery. According to this scheme there were to be 26,667 tickets issued and for sale at \$5 each, amounting to \$133,335. The same amount, subject to a deduction of 12½ per cent, was to be distributed in 8,890 prizes varying from \$10 to \$8,000 each. The drawing was to commence as soon as three-fourths of the tickets were disposed of, and a list of the fortunate numbers was to be published in Hudson and Goodwin's paper, the Courant. There were, as the "scheme" announced, less than two blanks to a prize. The margin for profit to the committee was certainly very small, consisting, as it did, of the 12½ per cent deduction, out of which must be taken the 2 per cent usually allowed to agents, and whatever prizes were drawn by tickets remaining unsold in the hands of the committee. For almost two years the lottery dragged wearily along. The drawing did not commence until March, 1795, and was completed the following May. Financially it was an almost complete failure to the committee.

Before this date the money already raised toward erecting the new statehouse had been expended, work upon the building had ceased, and the committee were at a loss as to how the building was to be completed. But assistance came from an unexpected source. In May, 1794, Col. Jeremiah Halsey, a prominent citizen of Preston, a lawyer and a veteran of the Revolution, and Gen. Andrew Ward, of Guilford, made a proposition to the Connecticut general assembly that if the State would deed to them its rights in a certain strip, gore, or tract of land lying west of the Delaware River, south of the true south line of Massachusetts and north of the north line of Pennsylvania, as claimed by that State, they would make sale of it in a foreign market and return to the State one-half of the net proceeds. The proposition did not meet with the approval of the assembly.

The following October the proposition was renewed with this statement: That the land had not been claimed by this

State (Connecticut), being claimed by the State of New York in part, and in part by Massachusetts; by the latter it had been actually part sold to Phelps, Gorham, and Morris, from whom it had been sold to some rich Europeans; and by New York to Hon. Robert Harper, James Watson, and others, who have made considerable settlements thereon. They offered, if the assembly would give them all the right, title, and claim of Connecticut, that as soon as they were in quiet and peaceable possession and had extinguished the Indian title they would give back to the State one-half of the land or £3,000 in Connecticut State notes.

The assembly appointed a committee to consider the matter, who reported that the land lies within the charter limits of this State and is about  $2\frac{1}{2}$  miles wide and 220 miles long. About 40 miles at the east end is claimed by New York, and about 40 miles more claimed by Phelps and Gorham under title from Massachusetts, and considerable numbers have settled under such two claims. The committee made this report October 31 and were continued until the following May, 1795, when the matter was revived and was repeatedly under consideration. Then, as it is described in a subsequent account, the previous offer made by Halsey and Ward not being promptly accepted and the court-house being at a stand and unfinished, and their mind being led thereto by some of the house members, they made the following offer: That whereas they have made propositions which are now pending, and whereas the statehouse is at a stand and without any immediate prospect of the said house being finished, the subscribers beg leave to propose that if the assembly will grant to them a release deed and the benefit of the previously described gore or tract of land, they will complete said house within two years according to the proposed plan of said building, and will give security for the faithful performance thereof. This memorial was referred to a committee, on whose report the prayer of the petitioners was granted in the lower house and negatived in the upper house. A committee of conference was appointed; on report of which committee, and reconsideration, the upper house at first adhered to their first vote, but soon after on further reconsideration granted to the memorialists all lands lying east of a tract of land sold by the United States to the State of Pennsylvania, near Presque Ile—the little corner of Pennsylvania which extends northward to

Lake Erie; on which the lower house concurred, and by a bill in form passed the same into an act, in part as follows:

On the memorial of Andrew Ward and Jeremiah Halsey, showing to this assembly that they have heretofore made proposals for purchasing of this State all its right, title, and interest in and unto a certain tract or parcel of land lying within the original charter limits of this State north of and adjoining upon the north line of the Commonwealth of Pennsylvania and south of the original charter south line of the Commonwealth of Massachusetts, extending from the northwest to the northeast corner of Pennsylvania, and that they are willing to receive a conveyance thereof and in payment therefor to finish and complete the statehouse now building in the city of Hartford, the outside and second story thereof fit for the use of the general assembly, by the first day of May next, and the residue thereof by the first day of May, 1797, taking to themselves the benefits of all materials heretofore purchased for that purpose, the neat avails of the lottery heretofore granted and drawn for the purpose, and all monies given or granted towards the building of said statehouse, and praying that the said land may be conveyed by deed of quitclaim to them upon the terms aforesaid. \* \* \*

*Resolved by this Assembly,* That as soon as said Jeremiah and Andrew shall have executed and given a bond with sufficient sureties \* \* \* in the penal sum of forty thousand dollars \* \* \* conditioned that they, the said Andrew and Jeremiah, do cause the said statehouse to be finished and completed according to the original design and plan thereof \* \* \* and also to discharge and save this State and the said committee harmless of and from all just demands and contracts heretofore made and arising in and about the building of said statehouse \* \* \* his excellency the governor be, and he is hereby, requested, authorized, and empowered, in the name and behalf of this State, to execute and deliver to the said Andrew and Jeremiah a deed or deeds therein and thereby conveying, releasing, and quitting to them, their heirs and assigns forever, all the right, title, and interest which this State hath in and to \* \* \* the before-described land \* \* \* And upon the execution and delivery of the said bond the said Andrew and Jeremiah are authorized to receive from the said Committee all the materials already provided for said statehouse and also the neat avails of the said lottery heretofore granted and drawn for said building. But no other or further lottery or scheme of a lottery shall be made upon the grant of the said lottery heretofore made.

Passed in House of Representatives, June 5, 1795.

Test:

S. DANA, *Clerk.*

Concur'd in the upper house.

Test:

GEORGE WYLLYS, *Secretary.*

A few days later Lemuel Hopkins sagely remarks in a letter to Oliver Wolcott—

Our court-house, which is a kind of Babel for this State, is in a fair way to be finished. Mr. Halsey and his associates are to complete the building, according to the original plan, for a quitclaim deed from the legis-

lature of a piece of land about two miles wide and some hundreds long on the north line of Pennsylvania, called the Gore. He has given a bond of 40,000 dollars, with surety, to perform on his part. The finishing of the building is estimated at £5,000. On the whole, I think that if wild lands with a dubious title, at a vast distance, and covered with Indians will erect our publick buildings, school our children, and expound our Bible we are a most favoured people. These prospects please us, but the lapse of time only can shew how much they are magnified by the fog of speculation.

On July 25, 1795, Samuel Huntington, governor and commander in chief in and over the State of Connecticut, by virtue of the powers and authorities given and granted by the before-mentioned act, executed a deed or letter patent releasing and forever quitclaiming the described land to Ward and Halsey, "their heirs and assigns forever, so that neither the State of Connecticut nor any person or persons from, by, or under the said State shall or by any way or means hereafter have any claim, challenge, or demand of any estate, right, title, or interest of, in, or to the premises or any part thereof, but from all and every action, right, estate, title, interest, or demand of, in, or to the premises or any part thereof shall be utterly excluded and debarred forever by these presents."

Let us now examine the ancient charters and patents on which the claims of the several parties at interest were founded. In the year 1606 the King of England granted to the Council of Plymouth, or the Plymouth Company, a large tract of country in America including the whole of the present New England and extending from latitude 34° to latitude 45°. In 1620 a new patent was granted to the Plymouth Company comprising the territory between the fortieth and forty-eighth degrees of latitude. In 1628 the Plymouth Company sold, and the following year the King by charter ratified, to an association of gentlemen known as the Governor and Company of Massachusetts Bay, all that part of New England extending from the Atlantic Ocean westward to the South Sea, and lying between parallels 3 miles north of the Merrimac River and 3 miles south of the Charles River "or of any or every part thereof." Here, then, is established the southern boundary of Massachusetts. This charter was vacated in 1684, and a new charter was granted seven years later in which "our colonies of Rhode Island, Connecticut, and the Narragansett country" are mentioned as the southwestern boundaries.

Connecticut obtained her title through a patent supposed to have been granted by the King to the earl of Warwick in 1630, and a patent granted by Warwick in March, 1631-32, to Viscount Say and Seal, Lord Brooke, and others who commenced a settlement as early as 1635 at Saybrook, and who sold all of their rights to the early Connecticut jurisdiction in 1644. This patent described Connecticut as commencing at the Narragansett River and extending 40 leagues along the shore toward the southwest, and westward to the South Sea. The charter granted to Connecticut in 1662 by Charles II bounded the colony on the north by the Massachusetts Plantation, and in longitude running to the South Sea on the west. Here is found the source of Connecticut's claim to western lands. Connecticut and Massachusetts were not alone in their claims; Virginia, North Carolina, South Carolina, Georgia, and Florida extended under their respective patents westward to the South Sea, although the Mississippi River was finally settled upon as the western boundary of all of these grants, the territory westward of that river being held by Spain.

The General Government, as represented by the Continental Congress and later by the United States, recognized these claims as valid, and urged that the several colonies should cede their western lands to the General Government for the general good. This was done, in part at least, by all of the colonies, and some of them, notably Virginia, in 1783, received compensation therefor.

In 1681 William Penn received a royal grant of Pennsylvania, the territory to extend westward five degrees of longitude from the Delaware River "and to be bounded on the north by the beginning of the three and fortieth degree of north latitude," or, as we would say, by latitude  $42^{\circ}$  north. By this charter a considerable proportion of Pennsylvania was taken from territory previously included in the royal grant to Connecticut, and this was the cause of long and bitter controversy and much bloodshed in the Wyoming Valley between Connecticut and Pennsylvania settlers. The matter was finally settled by the decree of Trenton in 1782, which gave the disputed territory to Pennsylvania. The history of this controversy does not concern the Gore title, and is too long to be considered here.

One further complication appears in connection with Connecticut's claim to western lands. The early charters expressly

except in their grants any territory previously granted or settled by the subjects of any other Christian prince. Hence, the settlements by the Dutch around New York and up the Hudson River, as well as the Dutch claims to all of the territory between the Hudson and Connecticut rivers, caused much controversy. New York having fallen into the hands of the English and been granted to the Duke of York in 1664, a royal commission was appointed the same year to determine the boundaries between the two colonies. This commission decided that the "western bounds of said Colony of Connecticut" should be at Momoronock Creek, about 12 miles east of West Chester, practically the present boundary line. No mention is made of western lands in this decision, but Connecticut did not consider that her claims to such lands were annulled, for Governor Saltonstall, writing to the board of trade in London in 1720, says that the New York government has "cut us asunder." A second patent was granted to the Duke of York in 1674, where, as in the former patent, the western boundary of New York is defined as the east side of Delaware Bay. And the Delaware River, the extension of Delaware Bay, is described as the western boundary by Governor Tryon, of New York, in 1774, in a report to the lords of trade and plantations.

The Massachusetts charter grant was also cut asunder by New York, and in 1768 Massachusetts made a formal claim to her lands lying west of the New York settlements. The matter remained unsettled until after the Revolution, when, in 1784, Massachusetts appealed to Congress for a vindication of her claims, and a special commission or court was appointed to hear and determine the matter. The agents of the two States were unable to decide upon the judges who should constitute this court; so, by mutual agreement, having been given full power by their respective States, the agents met in Hartford, and on December 16, 1786, signed articles of agreement substantially as follows: Massachusetts was to cede to New York all her jurisdictional claim to western lands, and in return New York was to cede to Massachusetts all territorial claim to all her lands lying west of a meridian line running northward from a point 82 miles west of Pennsylvania's northeast corner. This agreement was carried out, and thus did New York acknowledge the right of Massachusetts to western lands under her ancient charter grants. Massachusetts sold this large tract for \$1,000,000.



One further point remains to be considered, namely, in what latitude was the line 3 miles south of the Charles River, which, by their charters, formed the dividing line between Massachusetts and Connecticut. Woodward and Saffery, who ran the line for Massachusetts in 1642, locate it in  $41^{\circ} 55'$  north latitude; while Butcher and Whitney, under appointment from Connecticut in 1695, make it  $42^{\circ} 3'$ , which is the latitude of the line to day. The Gore proprietors, by their own surveyor, established the line at  $42^{\circ} 2'$ , or about  $2\frac{1}{4}$  miles north of the forty-second parallel.

To recapitulate, these charter grants leave to Connecticut beyond her present western boundary, after allowing the grants to the Duke of York and to William Penn, a strip of territory about  $2\frac{1}{2}$  miles wide extending westward from the Delaware River about 245 miles, bounded north by New York and south by Pennsylvania. This is the tract known as the Gore. Also a vast tract extending from the west bounds of Pennsylvania to the Mississippi River, and bounded north by Lake Erie and the Massachusetts grants, and south by latitude  $41^{\circ}$ , which proved to be the southern boundary of Connecticut under her charter. A portion of this tract became known later as the Western Reserve.

Ward and Halsey having received their deed on July 25, 1795, immediately entered with zeal upon the task of completing the statehouse, and in the following two months expended about \$8,000 in the work. They apparently found themselves unable to continue alone and advance the funds needed to complete the building and to place their land upon the market. So in September, Halsey having previously purchased Ward's interest, several persons united with him in forming an association known as the Connecticut Gore Land Company, with Halsey as president, to which company the Gore land was transferred; each member of the company holding an undivided interest in the company's land of from one-twelfth to five-twelfths, this greatest amount being held by John Bishop. By the end of the following month (October) it became necessary for the proprietors to advance £300 on each twelfth for carrying on the building of the statehouse. At the same time 50,000 acres of the land were offered for sale, but probably none was actually sold to settlers.

By April, 1796, twenty-five deeds had been passed and the value of the whole property as shown by them had risen from

\$50,000 to \$400,000. These deeds were first recorded at large on the State's records and then entered in the Gore Company's book of deeds by the proprietors' or company's clerk. At this time the title of the property was transferred to five trustees or agents, namely, Jeremiah Halsey, Hezekiah Bissell, Jacob Ogden, John Bishop, and Thomas Bull, who were to act for the company, and "scrip" or stock shares were issued, each scrip representing one ninety-sixth interest in the whole. Two taxes were laid by the company which were promptly paid, one of \$7, the other of \$5, on each ninety-sixth. Later, each ninety-sixth or share was subdivided into fourths, making in all 384 shares or "scrips," although a share was usually spoken of as one four-hundredth.

May 6, 1796, the proprietors' agents memorialized the general assembly saying "that the building of the statehouse has been so far performed, as is visible to your honors," that they ought to become entitled to all the benefits and advantages of the Gore property, but that they were unjustly impeded by the interference of the legislative authority of the State of New York, which, since the commencement of the current year, "moved thereto by the intrigue and address of artful and designing men of that State," had passed and published a most unreasonable and arbitrary act and issued a proclamation, which were herewith presented for inspection, "by which your memorialists and all others are forbidden to settle upon or to claim said land under the State of Connecticut, whereby it is intended to prevent the memorialists from proceeding or rendering said lands useful or profitable to themselves or to mankind." The assembly was asked to declare the right of Connecticut "and at the expense of the memorialists to adopt such effectual means for the security of said property as to your honors may seem meet."

The act of New York here referred to was indeed arbitrary and unreasonable. After reciting the fact that certain persons under pretense of title from Connecticut had laid claim to a considerable territory within the limits of the State, and had attempted to draw into question the jurisdiction of the State and defame the titles of persons now holding the lands, it made it the duty of the person administering the government (that is, the governor) to remove or cause to be removed all persons so intruding, settling, or taking possession of any land and to cause all the buildings of such persons to be destroyed.

Several buildings were in fact burned under authority of this act. To carry out the above instructions the governor was authorized to order out any part of the militia from any part of the State, who were to be subject to the same rules as provided by law when called out in case of invasion or any other emergency. Any person who should pretend to have, or to buy or sell, any right or title under authority of Connecticut should be deemed guilty of a public offense and high misdemeanor against the people of the State, should be prosecuted, and upon conviction should be punished by fine and imprisonment, and if a resident of the State should be disqualified from again holding office. The faith of the State was pledged to carry out the provisions of this act.

Truly this act might well have made the Gore proprietors hesitate. They persevered, however, and a few persons attempted a settlement in the face of these threats. The result was the bringing of two test cases in the circuit court of the United States for the district of Connecticut, the suits being Samuel Fowler and Joseph Lyman (who as lessees or purchasers represented the claims of the Gore proprietors) against Abraham Miller, and against Mary, Samuel, and Ebenezer Lindsley, Moses Mulford, John Seeley, Henry Whelpley, and Ebenezer Bachus, who held the land under title from New York. Samuel Fowler was a resident of Westfield and Joseph Lyman of Northampton, Mass. The piece of land in question in these suits was about 90 miles west of the northeast corner of Pennsylvania, and began about 10 chains north of the north line of Pennsylvania, about the location of the present town of Lindley, Steuben County, N. Y.

The suit against Miller was tried in the Connecticut circuit court, which sat in Hartford on the 17th and 18th of September, 1796, presided over by William Cushing and Richard Law, and Miller failing to appear it was decided in favor of the plaintiffs, Messrs. Fowler and Lyman, who were granted the damages asked, \$1,000, together with the costs of the suit. The defendant asked for a new trial, averring the manifest injustice of the decision, in that the writ served upon him dated, "District of Connecticut, ss., Gore, September 12, 1796," only five days before the sitting of the court, made it impossible for him to reach Hartford before the court's adjournment after its two days' session; that the plaintiffs had only claimed a right to the land for about a month, and in that

short period could not have sustained \$1,000 damage; and that the land was in fact in the district of New York, and not in the district of Connecticut. A new trial was granted, to be heard in the same court in September, 1797; but its outcome is not known, and probably this suit was merged in some way with the Lindsley suit.

When the second suit (the Lindsley suit) was called in September, 1796, the defendants, representing New York, moved for its continuance until the next term of the court, which was ordered.

Again, the case was called in April, 1797, before Associate Judge Samuel Chase, and again the defendants gained time by obtaining a further continuance, although the plaintiffs strongly urged for an immediate trial. The people of New York were not idle during these and later continuances. On five separate occasions did they appeal to their Representatives in Congress to obtain some action which would give any place other than the Connecticut circuit court for a trial of the cause in question. The opinion everywhere prevailed that the Connecticut claim made by the Gore proprietors was valid and would be so decided by the court. So strong was this opinion that about this time the Gore proprietors received an offer of \$300,000 for their property; but valuing it at almost twice that sum, they declined the offer.

In August, 1797, a petition was addressed to the President of the United States by Colonel Halsey asking that during the pending of the suits Messrs. Ogden and Morris, who held under title from New York, might be prevented from taking any steps toward acquiring the Indian title to the Gore lands. About the same time Colonel Bissell was chosen to effect a purchase or extinguishment of the Indian title for the Gore Company's agents. Apparently he was unsuccessful in obtaining a warrant to hold a treaty with the Indians for that purpose. The following December one Nathan Teals, an official of the State of New York, offered to obtain for the Gore proprietors the rights to an old Indian lease given to Obadiah Gore and others at a public treaty in 1786 which covered a considerable part of the territory in question. The lease was for an annual rental of \$200 to continue so long as trees should grow or waters run. This lease the proprietors' agents succeeded in obtaining. This interest of Teals in the Gore Company caused him to be brought into a New York court and

placed on trial for having spoken too freely in favor of Connecticut's claim to the Gore lands. The trial resulted, however, in his acquittal.

The case was again called at Hartford September 18, 1797, before the circuit court for the district of Connecticut, presided over at this session by William Cushing, the first representative of New England upon the Supreme Court bench. The jurors were present as well as the counsel—Messrs. Theophilus Parsons, Alexander Hamilton, and Josiah Ogden Hoffman for the defendants, and James Sullivan, the attorney-general of Massachusetts, for the plaintiffs—and all seemed ready for a speedy trial of the cause, when the defendants brought forward a new objection to proceeding. The jury was arrayed by Deputy Marshal Jonathan Janes, under authority of Marshal Philip B. Bradley. Janes had at this time a direct interest in the Gore lands, of which the demanded premises were a part, doubtless as an owner of scrip in the Gore Company, and the defendants raised the point that he was thereby disqualified to act in the matter of collecting a jury to try a cause in which he was personally interested. They further claimed that this being a question between Connecticut and a sister State, each and every inhabitant of Connecticut was directly interested, and therefore unable to sit as a juror or to act as marshal, and argued that the case should be at once taken to the United States Supreme Court, by which court, they added, the question must eventually be decided. At this point Sullivan, acting for the plaintiffs, offered to have the present jury quashed and a new one impaneled, if the other side would agree. But they, seeing a prospect for a still further postponement, refused to accede to this proposition.

The court, after listening for three and one-half days to the arguments pro and con on these new questions, decided that a deputy marshal who had an interest in the lands in question must of necessity be more or less biased, and was therefore incompetent to act in collecting a jury for the case. This was a seeming victory for the defendants (New York), but on the other hand, while this particular jury was rendered incompetent because arrayed by an interested party, the court decided that a Connecticut jury arrayed by a Connecticut marshal was fully competent to try the case, "for," says the court, "if (the) general principle of excluding citizens were to prevail in this case there could be no trial. This, being a local action, must be

tried where the land lies. As to the general question of the interest of the marshal," as a citizen, it is "not sufficient, for if so minute and remote (an) interest would disqualify, such causes would never be tried." The plaintiffs, representing the Gore Company, were greatly elated by this action of the court, believing that a final decision in their favor was now almost within sight. For this was, in effect, a decision that the Gore lay within the territorial and jurisdictional limits of Connecticut, and these points decided, the proprietors felt perfectly secure in their title as received from the State. This, however, was not a decision on the merits of the case, but showed what the final decision must be.

So much time had already been consumed, and it appearing that it would take ten or twelve days to try the case, and further, as the presiding judge must in a few days leave for Vermont, it was continued to the next term of court, to be held at New Haven in the following April, seven months later. Thus was the trial again postponed. At the instance of the New York members a bill was introduced into the next Congress "to allow removal of cases of this nature to places of trial where juries may be summoned from districts not interested in the controversy." The bill failed to pass, and even if it had passed it would have been *ex post facto* in its relation to this case.

The following month, October, 1797, the Connecticut assembly passed a resolve that when the Gore proprietors had settled all disputes with the State of New York relative to the territorial claim, the governor of Connecticut, upon the desire of New York and with the consent of Congress, is authorized to transfer to New York all jurisdictional right to the Gore. No time limit was named within which this settlement and transfer should be made. The company, in December, appointed James Wadsworth, of Durham; James Sullivan, of Boston, and Alexander Wolcott, of Windsor, as commissioners to negotiate with New York for the settlement of all disputes, in order that such transfer might be made. New York, however, refused to appoint commissioners and the matter came to naught. This act of the Connecticut assembly was believed to still further strengthen the company's case by doing away with New York's claim that a question of jurisdiction was involved.

At this time Sullivan withdrew from the case and Edwards was invited to act as one of the counsel. He was willing, but

required a retainer of \$600; upon which the company's clerk indorsed his letter "Pierpont Edwards, O dreadful," but evidently paid the money.

The company now laid another tax of \$12.50 on each four hundredth.

The circuit court, district of Connecticut, April term, 1798, consisted of the circuit judge, William Patterson, of New Jersey, and the district judge, Richard Law, of Milford, son of Jonathan Law, the colonial governor of Connecticut. After the calling of the jury Messrs. Hoffman and Hamilton, counsel for the defendants, entered nearly the same objections as before, but in a more extended and particularized form, namely, that Marshal Bradley and the members of the jury, being citizens of Connecticut, were incompetent to try the cause, and so that it could not be tried in a Connecticut court unless by a jury from another State, but might be tried in a New York court, or more properly in the Supreme Court of the United States.

To this Messrs. David Daggett and Pierpont Edwards replied that the question of the competency of the marshal and citizens was settled by the court at its last term; that the law provided no way in which a jury could be summoned from another State; that for the plaintiffs to allow the case to come before a New York court would be to acknowledge the jurisdiction of the State of New York, and so to give up the very object for which they were contending. As to the transfer of the case to the United States Supreme Court, they contended that there was no process of law by which the case could be transferred, and that under the article of the Constitution relating to the judiciary and the "judiciary act," so called, creating the Supreme Court, the matter being between citizens of the State of Massachusetts and citizens of the State of Connecticut did not properly come within its jurisdiction, which was to be exercised where questions between two States were involved. Yet again the case was postponed, apparently this time with the assent of the plaintiffs, the inference drawn from certain letters being that the Connecticut parties were not anxious to press the suit when Patterson sat as the presiding judge.

The New Yorkers, at this time, said that they would continue to fight the case until it would cost the Gore Company all the property was worth even if they finally won.

In September, 1798, former tactics not having availed, the defendants were at last able to obtain another continuance of the case, apparently for the purpose of having the United States Supreme Court pass upon the points which the circuit court had already passed upon and decided in favor of the Connecticut claimants.

At the next term of the circuit court, the following April, by some misunderstanding which it is impossible to explain, no judge appeared, and in consequence the case again went over, this time to the September term of 1799. Meanwhile the State of New York, in February, 1799, brought before the United States Supreme Court an unsuccessful motion for a writ of certiorari for the removal of the case from the circuit court of Connecticut to the United States Supreme Court. In consequence of the rejection of this motion New York next filed with the United States Supreme Court a motion in the form of a bill in chancery or bill in equity for an injunction to prevent the case from being tried in the Connecticut circuit court.

On July 26 Governor Trumbull received a citation summoning the State to appear and make answer to this bill. The governor was wary, and on the excuse that he had received no copy of the bill and so had no official knowledge as to the question at issue he did not answer the summons, and the State was not represented when the case was called at Philadelphia on the 6th of the following month. The Gore proprietors, who had also been summoned, were, however, represented. Hoffman, for New York, argued that this was a bill for the discovery of title and to settle the question of boundary between two States; while Jared Ingersoll, for the Connecticut side, apparently assisted by United States Senator James Hillhouse, argued against granting the prayer for an injunction. The court, which was composed at this session of Chief Justice Oliver Ellsworth and Associate Justices William Paterson, Samuel Chase, and Bushrod Washington, denied the injunction, on the ground that the State of New York was not an interested party to the suit, but only the actual defendants were interested, while they had not asked for an injunction. Thus again, this time by the nation's highest tribunal, was the Connecticut claim vindicated; for the decision that the State of New York was not an interested party was virtually a decision that the State held no jurisdiction over the disputed territory and that it lay within the Connecticut



charter limits, and so at the disposal of the Connecticut assembly.

Connecticut, as a State, not having been represented at this hearing, another citation was sent to the governor in October, summoning the State to appear at a further hearing at the next session of the Supreme Court, to be held the following February (1800).

In September, 1799, the case was again called in the Connecticut circuit court, this time before Chief Justice Ellsworth, a native of Connecticut, but was again postponed, the reason given being "Judge Ellsworth interested," though in what the interest consisted that should prevent a trial of the cause does not appear.

The general assembly, at the October session, 1799, appointed Judge Jonathan Sturgis, of Fairfield; Hon. Nathaniel Smith, of Woodbury; and Elias Perkins, of New London (the speaker of the house), to act as commissioners, with full power to make a settlement of all matters in dispute with New York; or, if that proved impossible, to represent the State in the matter of the bill in equity then pending. The Gore company named \$250,000 as the sum for which they would be willing to give up all their claim. This time New York also appointed commissioners, they being Egbert Benson and James Kent, judges of the supreme court of that State, and Ezra L'Hommedieu, esq. In expectation of an agreement being reached between these two commissioners, Chauncey Goodrich appeared for Connecticut, and obtained a continuance of the bill in equity when the case was called in Philadelphia in February, 1800.

The commissioners of the two States agreed upon Albany, March 25, 1800, as the place and time for a meeting, but the unfortunate illness of Judge Sturgis prevented the meeting being held at that time. There is good reason to believe that had it been held the whole dispute would have been amicably settled. The following June a meeting was held, but it was then too late to effect any kind of a settlement.

Another tax was now laid by the company, this time of \$10 per share. Many shareholders declined or were unable to pay this tax, and in consequence their scrip was sold at auction to pay tax dues.

Before the next session of the Connecticut circuit court an event had taken place which had changed the feelings of the Gore proprietors from elation to despair, and which was well

described by the eminent Charles Chauncey as a "strange, unjust, barbarous, and unheard-of" proceeding. At the request of the United States and following the example of other States, Connecticut had in 1786 released to the United States the entire jurisdictional and territorial right to all her Western lands lying west of a meridian line drawn parallel to and 120 miles west of Pennsylvania's west boundary. The remaining tract west of Pennsylvania and known as the "Western Reserve," containing about 5,200 square miles, had been sold in September, 1795, to the Connecticut Land Company, but still remained in 1800 under the full control and jurisdiction of Connecticut. And Connecticut was probably at this time the only State still retaining control of any portion of her Western lands. Considerable settlements had already commenced on the "reserve," but the settlers found themselves much hampered in their efforts to maintain law and order, and, through the curious wording of the deed they had received from the State, somewhat in doubt as to their title. They could not be governed by the "Ordinance of 1787" and the authority of the "Northwest Territory," within whose limits they were situated, because they were within the jurisdictional limits of Connecticut; while at this distance, some 400 or 500 miles, it was practically impossible for Connecticut to exercise proper jurisdiction. The settlers on the "reserve" were therefore very urgent in their desire that Connecticut should transfer her jurisdiction to the United States, and in October, 1797, the Connecticut assembly passed an act authorizing her Senators in Congress to deed to the United States the jurisdiction of the reserve. Congress at first refused to accept a deed of cession of jurisdiction, but after discussing the matter for three Congressional sessions a bill was passed in April, 1800, providing that if within eight months the State of Connecticut should "by a legislative act renounce forever, for the use and benefit of the United States and the several individual States who may be therein concerned respectively and all those deriving claims or titles from them or any of them," all jurisdictional and territorial right to all lands west of the present east bounds of New York, then the United States would cede to Connecticut the territorial right—that is, the right of soil—to the Western Reserve, so called, lying westward of Pennsylvania. This bill, though nominally having to do only with the Western Reserve, was, through the

influence it is claimed of New York's members in Congress, so worded that the renunciation covered not only the reserve but the Gore as well. Here was a temptation which the Connecticut legislature of May, 1800, could not withstand. By thus ceding to the United States all territorial and jurisdictional rights to the reserve and the Gore they would receive in return the territorial right to the 3,300,000 acres comprising the reserve. The legislature yielded, and in May 1800, formally renounced the Gore to the United States and to the individual States therein concerned. Whereupon New York, which had heretofore claimed title but had been unable to bring forward sufficient evidence to substantiate such claim, at once entered into undisputed possession of the Gore.

Connecticut had already sold her Western Reserve for \$1,200,000, the present State school fund, and in effect now said to the Gore company, We have renounced jurisdiction to your property; but we are a sovereign State, and what can you do about it?

The true reason why Congress should insist upon a legislative act of renunciation, and why Connecticut should have consented to pass such an act, is not easily explained. Although the territorial right to the reserve was sold in September, 1795, the payment for this territory did not become due until September, 1800, five years later. Connecticut had held both the territorial and jurisdictional right under the same title, so that the loss of either right necessitated the loss of the other as well. The jealousies of various States as to the right of other States to hold western lands had been and still were very strong; both New York and Virginia had claimed the reserve; some believed that the settlers could of their own accord go under the authority of the "Northwest Territory;" others apparently wished to assume their own juridical rights and form the State of New Connecticut; Congress may have exhibited a readiness to assume Federal authority over the reserve, as she had over Presque Isle, without waiting for a formal cession from Connecticut. Had any of these possibilities happened while the purchase money for the reserve was yet unpaid, the State would have had the disappointment of seeing her prospective "school fund" vanish. She was therefore ready to accede to almost any action Congress should propose. Charles Chauncey, in a letter from Philadelphia to Hartford accompanying a copy of the bill, says: "Other considerations do not allow of hesitation as to compliance with the terms. They were essential to the pas-



sage of the bill at this session of Congress, and will be so in future sessions." And speaking of the Gore proprietors, he says: "If they suffer, the State must compensate them."

Here, then, is the condition in which the Gore proprietors found themselves when the case again came up in court, where it was abated on account of the renunciation act of the Connecticut legislature. The statehouse had been completed according to agreement at a cost variously estimated at from \$15,000 to \$25,000; observations and surveys had been made; the Indian title quieted; and protracted suits carried on in the courts at a cost of more than \$20,000. The "scrip" or shares in the company had been many times resold, and had cost their present holders the sum of \$300,000, and the rulings of the courts had been almost a guaranty of the final outcome of the suits, when by a stroke of the pen the payment for the work upon the statehouse, as well as all this prospective fortune, had been taken from them. Many of the proprietors now found themselves in straitened circumstances, while some who had risked their all were ruined. The value of the company's shares immediately dropped to almost nothing. Shares were sold for \$70, where three years previously they had sold for \$1,000.

A year later, in May, 1801, the legislature, on petition of the Gore company's agents, appointed a committee, consisting of Sherwood, Pitkin, Trumbull, and Z. Swift, "to inquire into the claims which the proprietors of said land may have on this State on account of said contract or anything this State may have done relative thereto." The report of this committee, made the following October, reflects anything but credit on the sense of honor of the State or of the committee. It says, in part—

That no contract was made to release to the proprietors of the soil the jurisdictional right, nor was any consideration given by them for it. The State would undoubtedly have been willing to have held the jurisdictional right for the benefit of the purchasers of the soil had it not interfered with a far greater interest of their own. For if the legislature had not renounced jurisdiction, in conformity to the before-mentioned act of Congress [April, 1800], they would have sacrificed the Western Reserve and all the purchase money merely for the purpose of giving the proprietors of the Gore a chance to try the question whether the same was within the district of Connecticut.

And the report further says that—

if Connecticut had jurisdiction and has transferred it to New York, the proprietors still have legal remedy for territorial rights in the district of New York.

Evidently the committee passed over the fact that by a law made five years previously the State of New York had made it an act of treason for any person to claim title under authority from Connecticut, while the renunciation act itself not only confirmed the title of New York State, but also of individuals deriving title from that State.

The company then appealed to New York, asking for an investigation of their claim before an impartial tribunal. The New York senate appointed a committee consisting of Attorney-General Hoffman and John V. Henry<sup>1</sup> to investigate and report. Their report is not found, but it could not be otherwise than unfavorable to the Gore proprietors. The proprietors also offered to make settlement with New York by giving up all claim to the portion already settled, beginning at the eastern end and extending more than one-third of the length of the Gore. Or they would accept in exchange 250 square miles in some other section of the State.

In May, 1802, the company, by its agents, Thomas Bull and Joseph Woodbridge, again petitioned the Connecticut assembly, stating that by the relinquishment of title their suits had been abated, and praying that their unfortunate case might be taken into the assembly's wise and equitable consideration and relief granted them; but the assembly by a resolution voted that nothing should be granted them. The following month they offered a second petition, stating that by this renunciation they considered their purchase defeated and their property as lost, whereby on every principle of justice, honor, and right they were entitled to whatever said property had cost them and interest, which would surmount the sum of \$300,000. Yet if the assembly would make them certain grants, amounting to about \$93,000, they would give a full discharge and acquittance of every claim, right, and demand. This, as might be expected, was refused. The following October (1802) the same agents again petitioned the assembly. All the "hopeful expectation" which they had had of some arrangement with New York had failed, and the assembly's wise and just consideration was invoked for their relief. The upper house was willing to grant them \$40,000 if the company would reconvey their territorial right to the State, but the lower house would do nothing. During the following winter another tax of \$6 per share was laid upon the holders of scrip.

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<sup>1</sup> This may be an error for John J. Henry, the eminent Pennsylvania jurist.

A year later, in October, 1803, they again petitioned the assembly. They "make no claim on ground of State selling them that to which the State had no title; or that they, the proprietors, made a bad bargain; and they acknowledge that they bought at their own risk. But the State received a valuable consideration and then, by a legislative act, had deprived them of the property they purchased." They asked that the matter be left to arbitrators. This the assembly negated. The agents at once presented another petition in which, after stating that "a large portion of the proprietors have from a state of affluence been reduced to penury, want, and a state of bankruptcy," they offered to settle all claims against the State for the sum of \$40,000 with interest for one year. The result was the same as with previous petitions.

Another petition was presented to the assembly in May, 1804, asking for a grant of \$40,000 with interest for three years; or they would refer their claim to a committee of disinterested persons, or have the matter entered and decided in the superior court or in the United States Supreme Court. This petition met with no better success than had former ones. Again, a year later, in May, 1805, another petition was presented—this time with favorable result. The assembly voted to grant to the Gore company the sum of \$40,000 without interest, payable in four equal annual payments, on condition that the company would, before the 1st of the following July, execute and deliver to the State a release, or deed of release, of all right and title, territorial or judicial, to the Gore lands, of all claims or demands for the expense of building the State house, and of all claims and demands against the State by reason of renunciation of jurisdiction by the State. Thomas Bull and Joseph Woodbridge, two of the five agents of the Gore company, refused to comply with these conditions, and the company never did comply with them. Notwithstanding which refusal, as though the State was conscious these conditions ought not to have been annexed to her grant, the money was paid to the company in the years 1805, 1806, 1807, and 1808, and the history of the Connecticut Gore Land Company as a company was ended.

The last scene was when, in 1829, long after the company had gone out of existence, and when many of the proprietors of the Gore had already paid the debt of nature, Thomas Bull, then aged and in actual want, once more petitioned the legislature for a further grant to aid him in his few remaining

years. His statement shows that, even after the receipt of his share of the legislative grant, his actual loss was about \$23,000, besides interest. So far as the records disclose, no grant was made to him.

In closing we may well quote from the Hartford letter-carrier's address of 1799 this couplet:

"The statehouse roof will long record,  
As *Gore* there once was such a word."

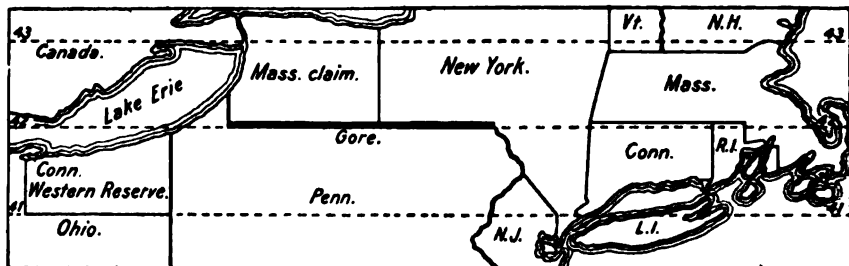
NOTE.—The principal authority for the statements made in this paper is a series of several hundred manuscript letters and documents owned by the Connecticut Historical Society, by whose kind permission they have been consulted and used.

The following are the chief printed authorities that have been consulted:

The Connecticut Gore Title Stated and Considered. Hartford, 1799.

The Rise, Progress, and Effect of the Claim of the Connecticut Gore Stated and Considered. Hartford, 1802.

An Inquiry Concerning the Grant of the Legislature of Connecticut to Andrew Ward and Jeremiah Halsey. Hartford, 1829.



Report of the Regents' Boundary Commission upon the New York and Pennsylvania Boundary. Albany, 1896.

Trumbull, Benjamin. A Plea in Vindication of the Connecticut Title to the Contested Lands Lying West of the Province of New York. New Haven, 1774 (second edition).

Poore, Ben. Perley. The Federal and State Constitutions, Colonial Charters. Washington, 1877.

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X.—THE SOCIETY OF SEPARATISTS OF ZOAR, OHIO

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By GEORGE B. LANDIS, A. M.,  
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## THE SEPARATISTS OF ZOAR.

By GEORGE B. LANDIS.

The study of communistic societies—those “small oases of cooperation in a wide desert of competition”<sup>1</sup>—is of interest and profit to every social being. Political economy, political science, sociology, and religion, each has received a new and sometimes fanatical interpretation from these experiments in government by compact. Movements, peaceable or violent, toward a more general communism have threatened to turn back the current of history flowing for so many centuries in the direction of completely individual ownership of property. But the acquisition and especially the retention of private property, at least in times of peace, demand social relations. “We find in every individual impulses or forces which tend to weld society together, to render the idea of self subservient to that of the commonweal.”<sup>2</sup> Communism, in its extremest form, is simply the result of this social spirit gone mad.

A careful examination and truthful account of many isolated communistic societies must prove valuable in determining the reasons for their establishment, the causes of their success and failures, the advantages and disadvantages of such a system over the present.

In the hope of adding something, however little, to the solution of these problems, this study is undertaken, yet not without some knowledge of the meagerness of the materials to be found among the Separatists of Zoar, who have kept no records of the society except such business accounts as could not be dispensed with. No list, even of the names of the first settlers, has been preserved. County, State, and United States court records, together with the traditions of and some acquaintance with Zoar, have formed the basis of what is here written.

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<sup>1</sup>Hyndman, in *Cosmopolis*, January, 1898.

<sup>2</sup>Seligman, *Pol. Sci. Quar.*, I, 207.

The study at this time has greater interest for me because the disbandment of the community at Zoar has been so lately decided upon and the division of the property is just now being made.

I can not pass to matters more nearly connected with the subject in hand without mentioning that I appreciate the courtesy of Judge Jacob F. Burket, of the Ohio supreme court, the encouragement of Prof. T. N. Carver, and the minor kindnesses of many at Zoar, Oberlin, and elsewhere.

The contents of the following paper may be outlined as follows:

- I. Political and Religious State of Württemberg.
  - II. Emigration and Settlement.
  - III. The Community until Bimeler's Death.
  - IV. After Bimeler's Death.
  - V. Sociological Aspect of Zoar.
  - VI. Government and Religious Beliefs of the Community.
  - VII. Economic and Industrial.
  - VIII. Disbandment.
  - IX. Conclusion; Bibliography.
- Appendix:
- I. Articles of Association, April 15, 1819.
  - II. Articles of Association, March 18, 1824.
  - III. Constitution, 1833.
  - IV. Articles of the First Class.
  - V. Act of Incorporation, 1832.
  - VI. Amendment to Act of Incorporation, 1846.

#### I.—POLITICAL AND RELIGIOUS STATE OF WÜRTTEMBERG.

In the first half of the sixteenth century, under Duke Ulrich I, the people of Württemberg progressed remarkably in two directions—first, politically, when their right to representation and to a voice in matters of taxation was acknowledged by the Treaty of Tübingen (1514), and, second, religiously, when, because of Catholic oppression and the commotion attendant upon the Peasants' War (1534), the Duke found it to his advantage to accept the principles of the Reformation as the basis of the religious government of Württemberg. Since it was the oppression of the Government in its ecclesiastical as well as its civil capacity which led to the emigration of the Separatists in 1817 it will be interesting to review briefly those phases of Württemberg history in their bearing on this event.

The Thirty Years' War (1618–1648) had reduced the inhabitants of the Duchy from 400,000 to 50,000. Then followed four destructive and brutal invasions (1688–1707) by France and the difficulties between Charles Eugene and his subjects

(1737-1793), which kept the State in continual ferment and the people in terror-stricken poverty. Through all, however, had stood the Treaty of Tübingen, the Magna Charta of Württemberg, signed by each duke upon his accession. Although its provisions may have been evaded in some particulars, it had been in the main enforced by England and the other powers, which once and again had guaranteed it.

Frederick II, becoming duke in 1797, renewed and confirmed the treaty, together with all the concessions of his predecessors, without, it appears, intending to fulfill them. During the Napoleonic wars he first engaged in hostilities against France; next, accepted the title of Elector from Napoleon and took up arms for him, losing 16,000 men in the expedition against Moscow; and, finally, after the battle of Leipsic, joined the allies in time to be present at the division of the spoil. By each of these moves he gained territory and subjects, though his people found their happiness and liberty curtailed by the oppression of the Duke, which increased with his growing power. Indeed, after January 1, 1806, Frederick was no longer Duke, but King of Württemberg. Whereupon he abrogated the constitution, forbade the assembling of the deputations, and transformed the government after the pattern of the French Empire, though administrative ability of a high order was wanting among his ministers.<sup>1</sup>

Stein bears witness to the result.<sup>2</sup>

The old constitution of Germany guaranteed to each of its inhabitants security of person and property; in the great closed countries (*territoriis clausis*) both were assured by estates and the constitution of the law courts, in the others by the imperial courts and by the oversight of the Emperor. The arbitrary power of the princes was thoroughly held in check in respect of the levying of taxes and of their procedure against the person of the subject. All these bulwarks are now removed; fifteen millions of Germans are given over to the caprice of thirty-six small despots, and one needs only to trace the history of the public administration in Bavaria, Württemberg, and Westphalia to convince oneself that the rage for innovation, insane arrogance, unrestrained prodigality, and brutal lust have succeeded in destroying in every way the happiness of the unfortunate inhabitants of countries once so prosperous.<sup>3</sup>

As an example of this fury, King Frederick, in his fondness for the chase, turned his kingdom into a great hunting ground and his peasants into slaves. They were compelled to journey

<sup>1</sup> Edinburgh Review, 29, 340-349.

<sup>2</sup> Stein (*Omnipedia* III, p. 224) from Prag in August, 1813, quoted by J. R. Seeley in *Life and Times of Stein*.

<sup>3</sup> See Edinburgh Review, 29, 352.

as far as 80 miles from home in order to perform forest duty. They were allowed to watch their crops at night against the ravages of the King's boars, but as they were forbidden "to use offensive weapons their vigils were of little avail."

What wonder that it was a time of political unrest! Murmurings of discontent grew louder, until Frederick summoned the estates, which were, however, dissolved before an agreement had been reached. Hope revived in the breasts of Württembergers when King William succeeded his father in 1817 (February), and again called the estates. After fruitless recrimination and debate, a popular commotion in Stuttgart gave a pretense for closing the session. A satisfactory constitution was granted in 1819 (September 25), but not until a large number of good citizens had renounced the Kingdom forever.

A critic in the *North American Review* in 1820 says:

Not a year ago we passed through the Kingdom of Württemberg and along the Rhine, the countries from which the great march of emigration proceeds. All Europe does not afford a finer and more lovely land—the highest cultivation; the finest forests, the richest products, the best roads—everything which would seem to belong to a happy country. \* \* \* Yet it is from these delightful regions that everyone who can walk or ride away, from children at the breast to women 80 years of age, is flying as from a pestilence. \* \* \* It is freedom, liberty, confidence, equality of rights when there is equality of merit which are wanted.<sup>1</sup>

Turning to the religious history, Germany seems to have been prolific of sects, Protestant as well as Catholic. Württemberg shows a medley of schismatics. Here were found Brothers of the Free Spirit and Clerks of the Common Life, Swedenborgians and Moravians, Dunkers and Mennonites, Anabaptists and Labadists, besides the well-known denominations. But the prevailing tendency in the established (the Lutheran) church was toward that form of mysticism known as pietism,<sup>2</sup> which may include some of the sects mentioned above.

Many persons accepted the teachings of Spener and Francke, who preached "against worldly dissipations and amusements and against the dance, the theater, card playing, to which others, in their blind zeal, added even laughing, taking a walk,

<sup>1</sup> *North American Review*, 11, 18-19. *Westminster Review*, 29, 353. McCollough's *Universal Gazetteer*, II, 1079.

<sup>2</sup> Indeed the older school of Tübingen (Württemberg's University) was principally based on pietism. Schaff-Herszog, III, 184.

chewing tobacco, etc., as inimical to earnestness and progress in sanctification, and therefore sinful."<sup>1</sup>

Among the common people in the middle of the eighteenth century the meditative writings of Jacob Böehme, himself herder, shoemaker, and glove maker, were in high favor, as were also the mystically pious hymns of Gerhard Terstegen, that "gentle, heaven-inspired soul, whose mind was full of childlike simplicity."<sup>2</sup>

The orthodox charged the Pietists with holding doctrines opposed to those of the Lutheran Church, but the Pietists affirmed that their intention was only to purify the Lutheran faith of the errors which had insidiously permeated it. The extremists could not, however, remain long in churches where cold formalism had usurped the place of hearty expression. Thus arose the Separatists, who "denounced the church as Babel, her means of grace as impure, and her preaching as empty and hypocritical babbling."<sup>3</sup>

Weighty questions, therefore, troubled the clergy. How were such blasphemers to be treated? What amount of toleration should be granted to their religious meetings held in private houses? In his last days (1749-1752), Bengel, the Abraham of Württemberg Pietists, opposed without avail the severe methods of repression favored by the Duke. Punishments and force, in some cases carried so far as to take persons by violence to church, were of course in vain,<sup>4</sup> but a number of Separatists were exiled.<sup>5</sup>

Still, in 1781, when Nicolai came to Württemberg, he found the same apocalyptic and prophetic fantasies, together with Pietistic asceticism.<sup>6</sup> But there was a growing rationalistic spirit, which fastened upon the Lutheran clergy and corrupted the services of the church.<sup>7</sup> Innovations were made in the mode of worship and in the liturgy, especially in 1809, which were displeasing to many. The hymn book had been secularized. "The oratorios and cantatas of the beer garden," wrote the

<sup>1</sup> See Henke, *Allgemeine Geschichte der Christl. Kirche*, 9, 517. Kurtz, *Church History*, II, 243.

<sup>2</sup> Miss Cox, *Encyclopedia Britannica*, 12, 622.

<sup>3</sup> Kurtz, *Church History*, II, 270.

<sup>4</sup> Hase, *History of the Christian Church*, 567-568.

<sup>5</sup> Kurtz, *Church History*, II, 270-271.

<sup>6</sup> Frank, *Geschichte der Protestant. Theologie*, II, 203.

<sup>7</sup> "Before the close of the last century an infidel, transcendental, rationalistic movement swept through the churches and universities and corrupted the great body of the Lutheran clergy." Rev. E. Pond, *Congregational Rev.*, 1: 340.

indignant Hurst, "were the Sabbath accompaniment of the sermons. The poets of the day were publicly recited in the pulpits where the Reformers had preached."<sup>1</sup>

As the tricentennial of Luther's labors approached, the opposition to formal, rationalistic, intellectual religion increased, and numerous bodies of Separatists refused to attend the services or to lend their support to the state church. These held conventicles or meetings in private houses, led by some of their number who were students of the Bible and of pietistic writings.

The ecclesiastical powers, furious at the presumptuous iconoclasm of untaught laymen, prohibited their meetings and attempted to break them up by force, in which they were seconded by the Government, but, "as pietism did not shun martyrdom of any kind, neither the ridicule and abuse of the infidel masses, nor the hatred of the rationalistic pastors, nor yet the interposition of the civil power were able to retard its progress."<sup>2</sup>

In the hope of securing freedom from molestation in their religious practices, thousands of persons emigrated to southern Russia and to North America. Those who went to Russia were soon assimilated by the churches there, but those who settled in America generally retained their separate organization and formed the basis of numerous sects still existing. The great loss by emigration of substantial, moral subjects led at last to concession on the part of the King. A petition by the moderate reform party of the Lutheran Church for a separate constitution and freedom from oaths was granted in 1817;<sup>3</sup> while in 1819, together with the promulgation of the new civil constitution, came permission from the King to Hoffman to found the semicomunistic and ecclesiastically free settlement at Kornthal.<sup>4</sup>

## II.—EMIGRATION AND SETTLEMENT.

Among the inhabitants of Württemberg who fell under the displeasure of King Frederick and his church establishment was that body which emigrated before the reforms of 1819, and which after settling at Zoar, Ohio, became known as the Society of Separatists.<sup>5</sup>

<sup>1</sup> Quoted by Nevin in Scribner's Mag., 17, 704-705.

<sup>2</sup> Kurtz, Church History, II, 309.

<sup>3</sup> See Henke's Allgemeine Geschichte der Christl. Kirche, 9:517.

<sup>4</sup> Haase Hist. Christian Church, 558.

<sup>5</sup> "The term Separatists, however, became a party name for the first time in Germany, being originally employed in the Wetterau, then in Württemberg." McClintock & Strong, IX, 584.

They were mystics—influenced by the writings of Böehme, the songs of Gerhard Terstegen—whose hymn book, the *Blumen-Gürtlein*, is still highly prized at Zoar—and by the teachings of Jung-Stilling, “charcoal burner, tailor, village schoolmaster, oculist, and professor of political science as well as mystic.” Like the Quakers, with whom they had much in common, they refrained from the outward observance of the sacraments of baptism and the Lord’s Supper. In their meetings was the greatest freedom allowed, all forms being discarded. Their leader was one of them. They doffed their hats to no one, holding that obeisance is due to God alone. But as Macaulay said of the old Puritans, though they stood erect before man, they humbled themselves in the dust before God.

They believed in a gospel of peace, which would not allow them to render military service.<sup>1</sup> Their conscientious scruples forbade the taking of an oath, which at that day was rigorously insisted upon. Holding these peculiar views, they refused to send their children to the parochial schools, which were under the control of the state church and taught submission to its doctrines.

For all these reasons our Separatists were persecuted. Their religious gatherings were broken up. They were treated with indignity by their orthodox neighbors. They were whipped and imprisoned, men and women. Johannes Goesele<sup>2</sup> and another member were kept in prison for nine years. Bäumler, who for ten years was a teacher among them, depended for safety upon frequent changes of residence and living in the utmost privacy.<sup>3</sup> Many were put in irons or compelled to work in the chain gang, of whom at least one was frozen to death.

Frequently they considered the feasibility of seeking a country where they might unmolested practice the pure doctrines of primitive Christianity. But they were not rich. Confiscations and fines had now consumed a great part of the money or property they had possessed. Then, too, emigration from Württemberg in the beginning of this century was not easy.

<sup>1</sup> Though one of their descendants gave as the reason that it was safer and more glorious to languish in prison as a martyr than to face the cannon of the enemy.

<sup>2</sup> Hines says his liberation was brought about in this way: Being brought before Napoleon by the King of Württemberg, he fearlessly denounced the sanguinary policy of Napoleon and warned him that God would hold him responsible for the murder of so many of his fellow-creatures. Some time later the King released Goesele, saying, “If you had not so spoken to Napoleon, I would have killed you. As you have treated us both alike, you are free.”

<sup>3</sup> U. S. Sup. Court, 14 Howard, 589.



Citizenship had to be renounced and a property tax paid before passports could be procured.

Then came the great famine of 1816, when the new King showed a spark of humanity "by selling the menagerie of his royal father and distributing to the starving populace of Stuttgart a large quantity of potatoes, which had been amassed for His Majesty's kangaroos and elephants."<sup>1</sup> Nevertheless, the severity of the famine, continued persecutions, and the insistence of some London Quakers, confirmed the determination of the Separatists to settle in America.

The spring of 1817 found about 300 Separatists, from Württemberg, Bavaria, and Baden, congregated at Hamburg ready to sail. The master's terms were severe and those who were able paid the fares of those whose funds were insufficient.<sup>2</sup> A Government report says that emigrant ships in those days were "commonly of the worst quality—old and unseaworthy, and the commanders sent in them ignorant, inexperienced, and brutal."<sup>3</sup> Whether it was such a boat or not in which the Separatists embarked, the majority of them were attacked by a terrible scrofulous disease and the voyage consumed ninety days. This time was well employed in becoming better acquainted with one another. Joseph M. Bäumler had been chosen leader of the band in the stead of Barbara Grüberman,<sup>4</sup> a seer of visions, who died before the migration. On shipboard, Bäumler doctored the sick, cheered the despairing, gave religious instruction, advised in secular matters, and by his kind common sense won an exalted place in the hearts of his companions, which he retained to his dying day.

Arriving in Philadelphia in August (14), 1817, they received hospitable treatment at the hands of the Quakers, to whom they had letters from the London Friends. This benevolent

<sup>1</sup> North American Review, 11, 4.

<sup>2</sup> I am inclined to think that not all the fares were paid before leaving Germany and that those bound out in Pennsylvania were to serve out their fares, as M. de Fürstenwäther reported in 1817 was customary. "Those who are unable to pay in Amsterdam and are to pay in America are charged, every man or woman, 100 florins or \$76, and under 14 and over 4 years half that sum. Every one thus contracting to pay his passage in America is bound to do it within ten days after his arrival. In case of death, if it happen when the voyage is more than half made, the surviving friends are holden to pay the passage of the deceased; if before the passage be half made, no passage money is to be paid.

"The provisions are dealt out on the principle of full portion to those who pay full fare; half portions to the half-fares, and children nothing." Upon the arrival of the vessels at Philadelphia, mechanics or farmers pay the fare and the immigrant is bound to him by contract for a number of years. (See North American Rev., 11, 4-5.)

<sup>3</sup> North American Rev., 11, 8.

<sup>4</sup> *Hinds American Communities*, 35.

people found homes for the sick and employment for the able-bodied immigrants. The Quakers also aided the Separatists in their negotiations with Godfrey Haga, a merchant of Philadelphia, who sold to them "three certain tracts or pieces of land [containing about 5,500 acres], situate in the State of Ohio," being parts of "the tenth township in the first and second ranges of the tract appropriated for satisfying warrants for military services."<sup>1</sup> Part of this had been granted by President Adams to Haga direct and part had been granted by President Jefferson to Dayton, who transferred it to Haga. The deed is dated May 7, 1818, and the consideration is \$15,000, guaranteed by a deed of trust, which acknowledges three obligations of \$10,000, each conditioned for the payment of \$5,000 "lawful silver money of the United States," one on October 25, 1828, the second in 1829, and the third in 1830, each one bearing interest from October 25, 1821.<sup>2</sup> These writings are signed by J. Michael Bäumler, to whom the deed was made, because Haga was unwilling to complicate matters by dealing with a number of individuals. It will be noticed that the first payment was not to be made until ten years after the deed was given, and no interest was asked for three years.

Under a contract, Bäumler and some of the stoutest men had, during the previous autumn, come to the forest-covered hills of Tuscarawas County, about 84 miles south of Cleveland, Ohio, where the first log hut was built December 1, 1817, and a town laid out. Zoar,<sup>3</sup> the city to which Lot fled at the destruction of the cities of the plain, furnished them a name for the little town which was to be to them a refuge from the evils of the world and from the persecution of the devil's emissaries.

Expecting hardships, they endured them when they came. Snow was 3 feet deep in March and April. Floods<sup>4</sup> followed, and but little work could be done. Spring brought the remainder of the colonists, to whom the Quakers had given \$18 apiece for traveling expenses. A few, indeed, bound out to service in Pennsylvania, remained there. The pioneers began to transform the wilderness. Sod houses and log cabins were erected. Forest land was cleared, swamps drained, crops planted and

<sup>1</sup> See Deed Records Tuscarawas County, 3, 63.

<sup>2</sup> *Ibid.*, 3, 64.

<sup>3</sup> *Genesis* xix, 20-23.

<sup>4</sup> Severe floods occurred in 1847, 1865, and 1883. The last week in March, 1898, water stood 4½ feet deep on the fulling-mill floor.

cared for. Only the necessaries of life were consumed. Men and women alike inured to arduous labor exerted themselves to the utmost, as the land was to be divided among them in proportion to the amount of labor performed by each.

The Zoarites came to this country with no communistic notions. Such were suggested by conditions. With their clumsy implements and no division of labor, progress at best was slow. Indeed, the many aged and sick were totally unable to provide for themselves. This fact furnished a specious argument for a communistic<sup>1</sup> society, which was now advocated by a few members jealous of Bäumler and by certain lazy ones "who saw that, as soon as the religious scruples exerted less influence, they would be neglected and fare badly."<sup>2</sup> Although Bäumler—not in his own interest principally, but for the ultimate benefit of the colonists, as he thought—opposed the community of goods, he called in for the discussion of the scheme all who had been bound out in Pennsylvania or in the vicinity of Zoar. The plea that there was no distinction between them in religion, so there should be none in rank or fortune, won the more substantial members for communism of property, except a few who bought land in the neighborhood.

Bäumler assented to this compact. How could he be afterwards charged with intending to further his own financial ends by retaining the title to the Zoar lands in his own name? Was not all his property turned over to the community by this act?

### III.—THE COMMUNITY TILL BÄUMLER'S DEATH.

The articles,<sup>3</sup> being duly drawn up, were signed April 15, 1819, by 53 males and 104 females. By them the Separatists simply "united themselves according to the Apostolic sense, through commersion of property," transferred their property to the directors, promised faithful obedience to them, agreed to settle disputes by arbitration, and to make no claim upon the society in case they should abandon it. The first directors were John Brymaier, John George Ackermann, and August Huber.

<sup>1</sup> Though I use the terms "communistic" and "communism" in referring to a society founded so early in the century, the word was coined (see Murray's Dictionary of Historical Principles, II, 701) by Goodwyn Barmby, who says: "I also conversed [in 1840] with some of the most advanced minds of the French metropolis, and there, in the presence of some disciples of Babeuf, then called Equalitarians, I first pronounced the name of communism, which has since \* \* \* acquired that world-wide reputation."

<sup>2</sup> Nugitna. Vol. I, No. 2.

<sup>3</sup> See Appendix I.

How many children there were in the company at the time is not known. Several had been born during the year, of whom Christina Peterman<sup>1</sup> was the first. Now, however, owing to the burden imposed by the aged and infirm, and discovering that population tended to increase faster than the means of subsistence—which people, somehow or other, often learn without the aid of Malthus—they agreed that marriages should not be contracted and that husbands should live apart from their wives until the payment of the debt was assured.<sup>2</sup>

The articles of 1819<sup>3</sup> were greatly changed in 1824, when they were signed by about 60 males and 100 females and attested by the trustees and by Bäumlér as arbitrator. From the preamble it may be seen that the motive for association in this case was religious and social rather than economical. Thus it says:

In the fulfillment of the duties of Christianity and to plant, establish, and confirm the spirit of love as the band of peace and union, as a safe foundation of social order, [we] do seek and desire, out of pure Christian love and persuasion, to unite our several personal interests into one common interest.

The articles are long, verbose, tautological, and unnecessarily burdened with details of management. The first article renounces any separate right in property "forever and consequently after the death of such members." This agreement provided for three trustees and a board of arbitration, or court of appeals, to be composed of from one to three members. The directors are given ample power. By articles 4 and 5 the members promise to labor faithfully and to place minor children under the supervision of the directors, who may even bind them outside of the society by a majority vote of the members. All inheritances are declared to belong to the society. Other articles arrange for the settlement of disputes, the election of a cashier, the qualifications of members, and the treatment of excommunicated members.

In 1832 (February 6) The Society of Separatists of Zoar was incorporated<sup>4</sup> by the general assembly, and the next year (May 14, 1833) a new constitution<sup>5</sup> was adopted. These articles, with the others, are given in full in appendices, and the last set will be referred to later.

<sup>1</sup> She was born July 24, 1818, in a rough log cabin, and died February 4, 1896.

<sup>2</sup> A. Bierbower, in *Lippincott's Magazine* 20:507, says, "At first they prohibited marriage, and had their women in common, like the Perfectionists," which is not correct.

<sup>3</sup> See Appendix II.

<sup>4</sup> Ohio Laws 30: 92. See Appendix V.

<sup>5</sup> See Appendix III.

The community of goods, while not immediately successful, was more so than the preceding attempt. A head race, led from the Tuscarawas River, furnished power for a gristmill, which was erected in 1821.<sup>1</sup> It had a double set of stones and soon became popular with surrounding farmers and profitable to the society. The Ohio Canal, connecting Lake Erie and the Ohio River, was built between 1825 and 1833. The Separatists received \$21,000<sup>2</sup> on a contract to dig the canal, 40 feet in minimum breadth at the water line and 26 feet on the bottom, through the whole length of their lands.<sup>3</sup> They also sold food and supplies to other contractors. Thus they paid off the debt on their land.

In 1830 they built their woolen factory. This furnished them with cloth for themselves and to sell. With such present success and such bright prospects for the future, marriage was resumed, Bäumler himself taking a wife, although the children were kept in a public nursery from the age of 3 years until their majority, unless the directors saw fit to indenture them.

That series of sermons, which were afterwards published in *The True Separation, or the Second Birth*,<sup>4</sup> were delivered by Bäumler during the thirties in the old log church, with its low ceilings and small windows, to a simple religious folk held together by the scripture teaching that the strong ought to bear the burdens of the weak. During this decade (1831-1841), too, many settlers from Germany established themselves in Zoar, and the community reached its highest membership, which was never 500 men, women, and children.<sup>5</sup> This is more remarkable because the settlement was ravaged by the cholera, which broke out in 1832, owing to the kind-hearted simplicity of this honest people. They had buried a stranger who had died on a canal boat near Zoar. Not long after a woman, claiming to be the wife of the dead man, appeared and demanded the money which he had had in his possession when taken from the boat. She was told that his clothing and belongings had not been disturbed. Having received permis-

<sup>1</sup>"A bricklayer, who is attached to the company, made the drawings for it from a mill at a considerable distance, and has designed and executed the whole of the arrangements with so much skill that the whole process requires the care of but one man and a boy. To it are attached two carding machines and a large sawing mill." *Penny Magazine*, vol. 6, p. 411, 1837.

<sup>2</sup>The canal was built in sections of one-half mile or a mile. Ninety per cent of the value of the work done was paid to the contractors as the work proceeded.

<sup>3</sup>Some say that women as well as men dug and carried out earth on their backs.

<sup>4</sup>See Bibliography. *Die Wahre Separation oder die Wiedergeburt*, u. s. w.

<sup>5</sup>*Hinds' American Communities*, 26.

sion, she hired an outsider for \$100 and opened the grave. Three hundred dollars in notes and coin were found. The woman offered money to the society for their trouble, but they refused it. She went away. That night the cholera broke out in Zoar. The woman and the hired man both died of the disease not far from the town. Of the communists, about one-third were claimed by the cholera.<sup>1</sup>

The people around the settlement, mistaking Bäumler's name, pronounced it Bimeler, and the Separatists came to be known as Bimmelters. Some time before 1824 the leader himself began to use the anglicized spelling of his name in legal documents. Of these there were quite a few. Although the constitution declared that "all deeds, mortgages, and similar instruments of writing shall be executed in the name of the trustees," they were nevertheless executed in Bimeler's name. Before his death in 1853 he had bought for the society about 2,100 acres of land. Besides, he had bought from Christmas, Hazlett, and Hogg the iron furnaces, flasks, patterns, tools, teams, etc., together with extensive ore and coal lands in Fairfield Township. Perhaps the Separatists had operated this furnace from 1831, but the deed was not given until 1835 (July 22).<sup>2</sup> Of the purchase price, \$20,000, one payment of \$4,250 was made by a transfer of Massilon Bank stock, showing the saving of the Zoarites; while for two other payments, in all \$4,560, judgments were secured by the Farmer's Bank of Canton, with costs in each case of \$8.09½.<sup>3</sup> Not until 1845 was the final payment made.<sup>4</sup> Meanwhile the Separatists built another furnace along the canal between Zoar and Bolivar. Ore, coal, limestone, and timber were found on the land, but, even with the advantage of proximity to raw materials and to means of transportation, the furnaces were never successful financially. The country about the Zoar lands was developed and settled, and employment was given to many Bavarians, Frenchmen, and Hessians, for the work was almost entirely done by hired helpers.

There are several records of Zoar from 1835 to 1840.<sup>5</sup> The community operated a sawmill, one flour mill and had one building, two furnaces, a tanyard, an oil mill, a woolen and linen

<sup>1</sup> Michener, *Annals of Tuscarawas County*, 326-327.

<sup>2</sup> Deed records, *Tuscarawas County*, 11, 152.

<sup>3</sup> Law records, *Tuscarawas County*, 5, 590-592.

<sup>4</sup> See deed record, *Tuscarawas County*, 41, 415-417.

<sup>5</sup> *Penny Magazine*, 1837, vol. 6, 411; *Howe's Historical Collections of Ohio*, III, 337 ff.; *Jenkins's Ohio Gazetteer*, 1837, 491-492, under Zoar.

manufactory, lime and brick kilns, and a brewery, which supplied the members as well as the two taverns belonging to the society. The bakery, laundry, and nursery were common. The town tavern was built in 1833. The large, pillared, and porticoed brick house, called the "King's Palace,"<sup>1</sup> was erected for Bimeler in 1837, but it has always been used in part as a storehouse from which to distribute goods to members upon the order of the trustees. Four thousand barrels of flour and 6,000 pounds of butter were exported annually. Their property, valued at half a million, consisted in part of 9,000 acres of land, 1,000 cleared, with improvements, the stock on the domain, and money invested in stocks. The population was about 200.<sup>2</sup> An indication of the community's prosperity<sup>3</sup> is found in the amendment of 1846 to the act of incorporation, which allowed the society "to receive a clear annual income of any sum not exceeding \$10,000,"<sup>4</sup> while the act allowed but one thousand.

But even in the midst of success, perhaps because of it, arose dissension and a determined desire for the division of the property, which culminated in a suit for partition of the estate, brought by seven members<sup>5</sup> against Bimeler. Appeal brought the case to the State supreme court, the United States district court,<sup>6</sup> and finally, in 1852, to the Supreme Court<sup>7</sup> of the United States, which decided in favor of the society, sustaining the validity of the articles of agreement, and holding that the association was not a corporation in perpetuity because it could be dissolved at any time by a vote of the members.

Charges had been made that Bimeler acted dishonestly in having the property in his own name. Depositions by persons who had been expelled or who had left the society "represent his conduct as tyrannical and oppressive to the members of

<sup>1</sup> The Zoarites object to people calling Bimeler their king. They say they never had a king, which is true; but Bimeler had autocratic power and dictated even to the trustees, though he did so with reason, which is not so far from the status of a good king after all.

<sup>2</sup> In 1840, 201.

<sup>3</sup> In the United States Supreme Court decision in 1852, it is said "Zoar surpasses probably all other neighborhoods in the State in neatness and productiveness of its agriculture, in the mechanic arts, and in manufacturing by machinery." "Most respectable men living near the village say that property in the vicinity has advanced 10 per cent by the enterprise and industry of this people," 14 Howard, p. 364.

<sup>4</sup> Ohio Laws, 44, 155, See Appendix VI.

<sup>5</sup> G. G. Bohringer, Geo. Jans, Margaret Brymier, Conrad Brymier, Johannes Goessele, Matthew Hellman, and Malinda Hellman.

<sup>6</sup> 5 McLean, 223.

<sup>7</sup> 14 Howard, 589.

the association,<sup>1</sup> and as controlling its actions absolutely. Several instances are given to impeach his moral character and his integrity."<sup>2</sup> The court, however, declared that Bimeler's conduct in holding the property in trust "was not only not fraudulent, but above reproach;" and that part of the witnesses had done "great injustice to the character of Bimeler," who was "a man of great energy and of high capacity for business."<sup>3</sup>

This assured the stability of the foundations of the society, but within a year from this vindication of his character by the highest tribunal of the land, in the midst of the people whom he had raised from poverty to wealth, Bimeler died.

#### IV.—SINCE BIMELER'S DEATH.

Bimeler's death occurred August 27, 1853.<sup>4</sup> He had been the leader of the Separatists for forty years. He was their teacher in Germany; in this country he was their friend, advisor, protector, the arbitrator of their disputes, their agent in business affairs with the outside world—their entrepreneur. The community was organized against his wish, for he had expected to help his people pay for their land and then to win for himself a name and a place in his adopted country. Through all his life he seems to have had a doubt as to the continuance of the common ownership, for in his will he underscored "to its assign;" but when the community of goods was decided upon he determined that it should succeed. The same spirit of humanity prevented him from abandoning the furnaces when so many, though outsiders, were dependent upon them, and they were operated for several years at a loss. Notwithstanding a few unprofitable ventures, the varied business undertakings were generally successful under his management. Not only the accumulation of wealth during his lifetime but also the husbanding of it since his death must be credited principally to his influence, for he insisted upon hard work and strict saving, which are the right and left hands of economic production, and upon a frugality almost miserly. There are old members who do not hesitate to express the opinion that if Bimeler had lived twenty years more the

<sup>1</sup> For like charges against Rapp of Harmony see Scribner's Mag., 17, 703-705.

<sup>2</sup> It was said he drove a splendid carriage and horses. Evidence was given to prove it an ordinary carriage, and that one of the horses was worth \$20, the other perhaps \$40.

<sup>3</sup> Howard, 589.

<sup>4</sup> He was 75 years of age.



community would have been more prosperous and more permanently so.

But that which gave this many-sided man his almost autocratic power over these simple-hearted German folk was his religious knowledge and his spiritual leadership. Like Paul, he had his thorn in the flesh, being lame and having one eye larger than the other,<sup>1</sup> but outsiders who have heard him say he grew quite eloquent in his discourses and held the rapt attention of his congregations. He was not above blending the earthly and the heavenly in the Sunday morning services, for, just before dismissal, he outlined the work for the following week and gave some really pastoral advice. The new brick church which was building when he died was completed, but no preacher has ever stood in its pulpit. Bimeler's own discourses have been read there each Sunday, enjoying greater privileges and wielding more power in the lives of the few who attend the meetings than does the Bible. It must be admitted that the younger generation at Zoar does not possess for the man or for his teachings the same reverence as is shown by those who knew him personally.

Jacobi in 1858 wrote for the *Social Record*:

Bimeler was the main engine; he had to do all the thinking, preaching, and pulling the rest along. While he had strength all went on seemingly very well, but as his strength began to fail the whole concern went on slowly. I arrived the week after his death. The members looked like a flock of sheep who had lost their shepherd. Bimeler appointed a well-meaning man as his successor, but as he was not Bimeler he could not put his engine before the train.<sup>2</sup>

Ten days before his death, August 16, 1853, Bimeler made a will by which he bequeathed all his "property, real, personal, and mixed of whatever kind, be the same in lands, tenements, trusts, or other evidences of debts of whatever nature, to the Society of Separatists of Zoar and its assigns forever."<sup>3</sup> The trustees were made executors, and their bond in the sum of \$40,000 was signed<sup>4</sup> by 22 male and 12 female members of the society.

<sup>1</sup>There is a story—probably originating in a joke—that his persecutors in Germany hanged him one night until his eye bulged out, but cut him down before he was dead.

<sup>2</sup>Noyes's *History of American Socialisms*, 136.

<sup>3</sup>And continues—"Hereby declaring that all the property I ever held, real and personal, within the County of Tuscarawas, has been the property of the said society and was held by me in trust for the said society, to which I now return it." Even with this some of the Separatists were not satisfied that the deed to the furnace lands was valid, so December 2, 1858, the deed was confirmed to the society. (*Deed Rec. Tuscarawas County*, 40: 415-417.)

<sup>4</sup>See *Record of Wills Tuscarawas County*, 3: 187.

The remaining history of the community can be briefly told. The beginning of its decline was near, which was to be followed by stagnation, and after a temporary revival by dissolution. Changes were gradually made in the resources of the community. The north furnace was abandoned; the south furnace, with 424 acres of land, was sold<sup>1</sup> for \$16,000, some time before 1860. The old gristmill was rebuilt and later furnished with roller machinery. It still makes a superior brand of flour. Tile and brickmaking ceased. The tanyard, oil mill, and one tavern fell into disuse. The second gristmill, of immense size and excellent workmanship, fitted with the best appliances known at the time, had proved unprofitable from the first. Surrounding towns outstripped Zoar. Its business was crippled, until it became commercially no more important than any little country village.

The office of agent-general, whose duty had been to conduct all business with outsiders, had lapsed at Bimeler's death. Neither the directors nor the standing committee would obey any future leader. Jacob Sylvan, the successor of Bimeler, was a poor reader, and allowed Weebel to read the Sunday discourses for him. Weebel succeeded Sylvan in 1862 and was himself followed by Ackerman. Simon Benter is now the spiritual head of a rather unspiritual body.

The Civil War tested the conviction of the community in respect of war and showed a clear line of cleavage. The older members, consistent with the principles and early belief of the Separatists, expressed their convictions against military service; but the younger ones enthusiastically offered to go as soldiers. Advice could not restrain them; force was not attempted. Fourteen members and several hired hands served in the Union Army.

Following years crept monotonously by, with but little to enliven the occupations of seedtime and harvest. All goods had been shipped by canal or hauled to the railroad at Zoar Station, 3 miles from Zoar, until 1882, when the Wheeling and Lake Erie Railway was put through to the town, the right of way through the community's land being given in consideration of a pass to adult members of the society. Two years later, June 3, 1884, the village of Zoar, containing 300 inhabitants, was incorporated by the county commissioners upon the petition of 56 male members.

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<sup>1</sup>Deed Record, Tuscarawas County, 40, 45.

Zoar in late years became popular as a summer resort, especially so since to the old hotel has been added a new wing, fitted up in good taste "with all modern appliances," as the advertisements say. Here in the summer come many visitors to enjoy the restful quiet of the place, and a school of artists, who find in the picturesque houses, the quaint people and the varied beauty of the surroundings, interesting subjects for their brushes and their brains.

But, before proceeding to the story of the last days of Zoar, let us get a better idea of (1) the sociological aspect of the place, (2) the government and religious belief of the community and, (3) the economic and industrial conditions.

#### SOCIOLOGICAL ASPECT OF ZOAR.

The lands of the Separatists in Tuscarawas County, Ohio, are situated in the highest portion of the state,<sup>1</sup> on a ridge which extends from northeast to southwest. This hilly country, covered with forests, but of indifferent soil except in the river bottoms, must have in some degree reminded the first settlers of old Württemberg and especially of the Black Forest. The resources of the lands for communistic purposes were excellent.<sup>2</sup> Elm, oak, beech, chestnut, walnut, maple, and other trees stood ready to hand for cabins, barns, bridges, furniture and other domestic conveniences. Limestone and sandstone of fine quality for building abounded. The surface concealed at least four strata of iron, six layers of fire clay, and six beds of coal of the Sandy Creek coal region,<sup>3</sup> with this advantage, that the richest deposits lie near the surface. Through the tract flowed the Tuscarawas River with sufficient fall and body of water to furnish power for all needed industries.

But as the Württemberg of their day was an "agricultural and bucolic country," they were more disposed to the cultivation of the soil and to undertakings connected with it or dependent upon it. Land was cleared, the bottom land drained, orchards and vines were planted. Soon cattle of good breed were introduced. The need of a gristmill became evident. All of the ordinary trades were represented among

<sup>1</sup> Zoar Station, 314 feet, top of hills at Zoar Station 600 feet above lake Erie.

<sup>2</sup> For a geologic section at Zoar Station, see *Geology of Ohio*, Vol. III, p. 81.

<sup>3</sup> Some of the black band iron ore yielded 70 per cent. "On the west bank of the river, opposite Zoar, the hills contain coal Nos. 5 and 6, both of about the same thickness, three and one-half to four feet." At one place No. 5 was "folded upon itself and thickened to 13 feet." These seams were worked for the community for a long time by Mr. Joseph Medill. (See *Geology of Ohio*, III, 65 and 81; also Chap. LVI.)

the original settlers, who began at once to make provision for the meager wants of the German peasantry of their day. Simple log huts, some chinked with mud, some sided with clapboards, formed the dwellings. The roofs were of thatch or of rough shingles and some of red tile, which may yet be seen on many of the immense old barns perched in many parts of the town.

This town did not evolve according to the usual rule. There was no gradual concentration of surrounding inhabitants for purposes of trade, but the site of Zoar was chosen in the midst of a wilderness remote, from other settlements in the sparsely populated State; the streets were laid out and buildings erected for the accommodation of the entire colony

For the first year these rude habitations, with their rough furniture and scanty comforts, may have formed "homes" for the hard-worked people, but that name must be denied the houses for the next ten years at least, during which family life was entirely wanting; all natural ties were broken and artificial families formed. This separation of man and wife was more easily effected because of the religious beliefs of the Separatists and their expressed opinion as to continence. They held as a religious doctrine that Adam lost the image of God by desiring a wife, and Bimeler taught that God simply tolerated but did not look with favor on marriage; also, that in heaven the nearest relatives even would not know each other. Some of these unnatural families had all males; some, all females; and others had both. Some were presided over by a man; some, by a woman.<sup>1</sup> Each household formed a unit in

Head.	Male	Female.	Head.	Male.	Female.
J. M. Bimeler.....	3	4	Caaper Fetter .....	8	2
Stephen Hoover .....	2	12	Jacob Shearing .....	8	2
Joanna Mock .....	0	15	John Miller .....	10	3
Christian Platz .....	9	1	Dorothea Dietz .....	0	14
George Goessle .....	2	2	Maria Kuehule .....	0	14
Barbara Shock .....	0	7	Jacob Kimmerly .....	4	2
Maria Sink .....	0	2	Christian Mitcherly .....	1	2
Magdalena Auck .....	0	3	Geo. Groetsinger .....	5	2
John Breymler .....	7	1	Frederick Klotz .....	3	0
Margaret Ackerman .....	1	14	Godfrey Lentz .....	4	4

the distribution of supplies, the preparation of food, and the care of the vegetable gardens. Now "for years," as Macdonald says, "their town presented the anomaly of a village with-

<sup>1</sup> The families at one time were constituted thus (see Mitchener's Annals of Tuscarawas County, 324, 325).

out a single child to be seen or heard within its limits."<sup>1</sup> During all this time no instance of incontinence is known.

About 1830 marriage was resumed, but with the agreement that all children after the age of 3 years should be kept until their majority in a public nursery, which was more fully provided for in the constitution of 1833.<sup>2</sup> The Educational Institute was to be the name of this school for moral, intellectual, and manual training. At its head were placed overseers—male or female—under the supervision of the standing committee. This orphan asylum lost its patronage, and the machine method of raising children fell into desuetude in 1845, when Ackerman refused to send his child there.<sup>3</sup>

Then Familyism again triumphed over communism. It is the old conflict which has had to be waged by every community. The old religious orders were celibate, if we except the Carpo-cratians<sup>4</sup> and a few other minor sects who had their wives in common.<sup>5</sup> The Shakers always practiced celibacy, because they believed in the dual sex of every perfect Christian, "Rapp of Harmony embargoed good marriage." Some of the Fourier societies split up on this question. Bazard and Enfantin, disciples of St. Simon, separated in their communistic experiment because the latter desired to substitute "free love" for the tyranny of marriage.<sup>6</sup> Noyes, of Oneida, introduced his polygynous and polyandrous system of complex marriage,<sup>7</sup> which led to the suppression of the society because of the threats of wrathful neighbors.<sup>8</sup> The Icarians favored marriage, and, after many difficulties, were scattered. The only strong community favoring marriage is the Amana Society of Inspirationists, in Iowa.

On the whole, love for the community wanes as love for the family waxes strong.<sup>9</sup> But as celibacy, like the community of

<sup>1</sup> Noyes's *History of American Socialisms*, 140.

<sup>2</sup> See Appendix III.

<sup>3</sup> Nugitau, Vol. I, No. 3.

<sup>4</sup> See Milman's *Church History*, II, 83-84.

<sup>5</sup> See T. D. Woolsey's *Communism and Socialism*, pp. 42-50, on Anabaptists of Münster.

<sup>6</sup> *Encyc. Brit.*, VIII, 192.

<sup>7</sup> See Noyes's *American Socialisms*, 630-631, and *An Experiment in Human Stirpiculture* (Mrs. McGee), *Am. Anthropologist*, October, 1891.

<sup>8</sup> See Ely's *Labor Movement in America*, 17-19. Noyes, in 1879, proposed to the Oneida community "That we give up the practice of complex marriage, not as renouncing belief in the principles and prospective finality of that institution, but in deference to public sentiment, which is evidently rising against it." (Woolsey's *Communism and Socialism*, p. 73.) In 1881 Oneida became a joint stock company.

<sup>9</sup> "How comes it that monks are so fond of their order? It is owing to the very cause that renders the order insupportable to themselves. Their rule debars them of all things by which the ordinary passions are fed. There remains, therefore, only this passion for the very rule which torments them. The more austere it is—that is, the more it curbs their inclinations, the more force it gives to the only passion it leaves them." (Montesquieu, *L'Esprit des Loix*, v: 2.)

goods itself, was undertaken at Zoar only from supposed necessity, the later growth of family interests was no cause for despair. At present there is nothing uncommon about family life at Zoar, and though Noyes alleges that there are love affairs in all communities,<sup>1</sup> Zoar seems to have always been particularly free from them. There have been one or two illegitimate children born there. No child has been born deformed, and but one idiotic. What town of like size can make as clean a showing for eighty years? The correct morals of the people is shown by the fact that not one of the Separatists has ever been convicted on a criminal charge.<sup>2</sup>

The houses of to-day are more comfortable than in an early day, but are devoid of luxuries, except those gotten surreptitiously—that is, without an order from the trustees. The buildings are log, frame, or brick, usually two stories high, unpainted, but with vine-covered lattice work along the sides, which in autumn hangs full of many varieties of grapes. The food of the people is substantial.<sup>3</sup> Each family has a vegetable garden and each may keep chickens and ducks. Pork formerly forbidden is still in disfavor.<sup>4</sup> Three meals a day, with “10 o'clock piece” in summer, is the rule. The one-time regulation dress of the community has given place to varied attire. Fashion sheets are studied and milliners' hats worn by the younger ladies, probably with the same ulterior purpose as their outside sisters have. The men, as a rule, wear home-spun clothes of good quality.

Bimeler was the first physician of the Separatists and practiced homeopathy, to which the community has been devoted ever since. The present doctor—a big, red faced, farmer-like man—surrounded in his office by terror-inspiring sirups for neighboring farmers, and vials of diminutive pills for communists, told me that malaria has almost disappeared and that colds, developing grip and “consumption of the throat,”<sup>5</sup> are most prevalent. A board of health is not needed. The streets, running at right angles and each square inclosing 3 acres, have no artificial sidewalks but are very clean. Pure water from a spring on the hillside is led into town and supplied to

<sup>1</sup> Noyes's *History of American Socialisms*, 652.

<sup>2</sup> That is, members in good standing. Perhaps some ought to have been convicted. It would not be surprising, for instance, if it were proven that liquor was sold on Sunday.

<sup>3</sup> No foreign or tropical fruit is used. Spices, salt, coffee, tea, and a few such articles must, of course, be imported.

<sup>4</sup> Hogs are fattened for lard and for market. When I was there they had 84.

<sup>5</sup> Bronchitis.

each family and to watering troughs, the waste overflowing into the open gutters—the sewers of the town.

Four persons died in Zoar last year and four were born. In 1830 the population was 173, of whom 106 were females, and 35 were under 21. All were members of the community or their children. The population increased to 326 in 1870 and was the same in 1890. A great many applications for membership have been rejected every year. There are now 136 members, the majority of whom are women—a condition which has always existed. One hundred and twenty-five belong to the second class and 11 to the first. Besides, there are now 123 children of school age, and 45 hired helpers, some of whom have wives.

The children go to public school until they are 17 years of age,<sup>1</sup> when they are put to work. The two schoolrooms are well furnished with patent desks, apparatus, and organ. Only the common branches are taught. In the primary grade three days are given to English and two to German, which is the common language of the people. This use of dual speech may make the children appear backward in their studies. Until 1874 only German was taught in the school. No one in the community has ever taken a higher course, except the present school-teacher, who attended a local normal school in a neighboring town, but even he never withdrew the winding sheet from the dead languages.

Books are rare; weekly newspapers are widely read. Now, according to Hinds, "Experience shows that a community thrives best when some check is placed upon the intercourse of its members with the outside world."<sup>2</sup> The Harmonists were not allowed to learn English nor to walk outside the lands of the society.<sup>3</sup> Zoar has always been popular with its neighbors. The country people came in on Sundays to enjoy the novel conditions and have all the fun they could. Sometimes they precipitated disturbances. A grove was set apart for the use of picnic parties. Tramps showed their appreciation of the warm room and free lunch furnished them by calling again. The visitors at the summer hotel, by flashy dress, free use of money, and marvelous tales of another world,

<sup>1</sup> When public school was first opened the age limit was 15; they afterwards raised it to 16, and later to 17.

<sup>2</sup> Hinds's *American Communities*, 37.

<sup>3</sup> See Scribner's Magazine, 17, 705.

unintentionally aroused discontent in the younger generation of Zoarites.

The inspiringly beautiful scenery furnishes the chief satisfaction to the æsthetic sense to be found at Zoar. A few flowers or a canary are seen in some houses. Good pictures are wanting—perhaps large photographs of Rocky Mountain scenes, given to the hotel by a brewer—ex-Separatist and ex-mayor of Cleveland—are the best.

Bimeler's garden, with its central evergreen tree surrounded by a hedge of spruce trees, approached by 12 walks, pictorially represents the restored Eden—the New Jerusalem—to which paths lead from every direction, while around the outside runs a path in which the worldly-minded, who will not choose the right way, eternally wander. The flower beds between the walks show old-fashioned garden favorites. There is a small conservatory in the garden, and the utilitarian spirit is evidenced by beds of berry bushes and arbors for grapevines.

Although Zoar has had an orchestra and a band, music is not encouraged. A pipe organ about 6 feet square is used in church. In order that they may practice at their homes for the Sunday music, two young men have been supplied, one with an organ, the other with a piano. Sometimes a singing school has been maintained.

Parties, festivals, and entertainments are infrequent. The barroom and store are places for social intercourse. "Sewing bees," haymaking, harvesting, and husking bring the members together in social as well as industrial relation. Lack of ceremony may be noticed in their greetings; in their weddings, which are simple contracts between the parties, of late affirmed before a justice of the peace; or in their funerals, which are a simple burying on the third day, although a memorial service is held the next Sunday at church. The graveyard, upon the hill above the brewery, is fairly well kept, but many graves are not marked, among them Bimeler's, on which a great tree grows. However, before his death he requested, I understand, that no monument be erected over his remains.

#### VI.—GOVERNMENT AND RELIGIOUS BELIEFS OF THE COMMUNITY.

As the government of the Zoarites rested entirely on a basis of religious convictions, a clearer understanding of the religious foundations will enable us to better appreciate the provisions of their civil constitution and communistic covenants.



While the Separatists were still in Germany they adopted a confession of faith, which was afterwards published in Bimler's Discourses (Vol. I). I give it in full:

I. We believe and confess the Trinity of God: Father, Son, and Holy Ghost.

II. The fall of Adam and of all mankind, with the loss thereby of the likeness of God in them.

III. The return through Christ to God, our proper Father.

IV. The Holy Scriptures, as the measure and guide of our lives and the touchstone of truth and falsehood.

V. All ceremonies are banished from among us, and we declare them useless and injurious, and this is the chief cause of our separation.

VI. We render to no mortal honors due only to God, as to uncover the head or bend the knee. We address everyone as "thou," du.

VII. We separate ourselves from all ecclesiastical connections and constitutions, because true Christian life requires no sectarianism, while set forms and ceremonies cause sectarian divisions.

VIII. Our marriages are contracted by mutual consent and before witnesses. They are then notified to the political authority; and we reject all intervention of priests or preachers.

IX. All intercourse of the sexes, except what is necessary to the perpetuation of the species, we hold to be sinful and contrary to the order and command of God. Complete virginity or complete cessation of sexual commerce is more commendable than marriage.

X. We can not send our children into the schools of Babylon [meaning the clerical schools of Germany] where other principles contrary to these are taught.

XI. We can not serve the State as soldiers because a Christian can not murder his enemy, much less his friend.

XII. We regard the political government as absolutely necessary to maintain order and to protect the good and honest and to punish the wrongdoers; and no one can prove us to be untrue to the constituted authorities.

By this last article, they declared their unwillingness to being classed as rebels against the government of even the King of Würtemberg, though they could not acknowledge him as lord of their consciences. These principles are still the basis of belief of the Separatists so far as they have any belief in spiritual things. The old members are faithful to the ancient teachings, but the younger portion of the community seem for the most part infidel and materialistic in their notions. Article XI, concerning service in the army, we have already seen was opposed by the young men during our civil war. The article relating to clerical schools has never been put to the test in this country. As public schools do not teach any ecclesiastical doctrine, it is presumed they would always have been acceptable to Separatists, and now at Zoar the primary school teacher is no member of the community.

There is absolutely no public religious teaching among the Zoarites, unless the reading of Bimeler's Discourses may be given that name. Besides the principles given above, the only printed statement of their religious views is contained in these discourses, which, after Bimeler's death, were set down from memory by John Neff. One hundred sets of three volumes each were published in 1856, and it is said each family has one.<sup>1</sup>

These volumes contain worldly wisdom and reflections upon community life, as well as spiritual teachings. They give instruction in "morals, good manners, good order in house-keeping, cleanliness, health observances, and often physiological details." Orthodox views are held as to the inspiration of the Bible, the nature and trinity of the Godhead, the fall of all through Adam's transgression, regeneration through Jesus Christ, and the resurrection of the dead—though this does not imply recognition in Heaven. The sacraments are not observed.

For the Sabbath service, the people assemble quietly in the plain church,<sup>2</sup> the women sitting on the right, the men on the left of the reader. A hymn is announced. The tune is played on the small pipe organ. The first stanza of the hymn is read and sung, another stanza is read and sung, and so on. Then for an hour or more the gray-haired leader, from his unostentatious, walnut pulpit, reads Bimeler's Discourses in the German language. Another hymn is sung in the same manner as the first. The men sit down while the women pass out; then quietly follow them to their homes. The clink of collection money is never heard. The remainder of the day is passed without service and without special regard for Sunday, though in former days the rules for Sabbath observance were very strict.

During the summer a Sunday school is held, but the services consist in the reading of the Bible and the singing of hymns. The hymn books<sup>3</sup> in use are the *Geistlicher Lieder*—a collec-

<sup>1</sup> See Bibliography *Die Wahre Separation*, u. s. w.

<sup>2</sup> According to the census of 1890, has a seating capacity of 500 and is worth \$3,000.

<sup>3</sup> For the Zoar hymn book, see Bibliography, *Sammlung auserlesener geistlicher Lieder* u. s. w. The *Amana* book is "Davidisches Psalter-Spiel der Kinder Zions, oder Sammlung von alten und neuen auserlesener Geistes-Gesängen allen wahren hellabegierigen Seelen und Sänglingen der Weisheit; insonderheit aber denen Gemeinden des HERRN zum gesegneten Gebrauch mit Fleiss zusammen getragen, nebst den dazu nöthigen und nütlichen Registern. *Amana im St. Iowa*, 1881."

Terstegen's hymn book is entitled, "Geistliches Blumen-Gärtlein und der Frommen Lotterie. Dr. G. Kerlen, Essen, 1856."

tion of their own—the Amana Psalter-Spiel and Terstegen's Blumen-Gärtlein. The congregations are pitiably small, and nothing seems to be done to make the services attractive or to secure a fuller attendance of the members. No week-night service is held, nor any socio-religious meetings, which might tend to strengthen the common bond and weld the diverse sentiments into fervid altruism.

The older members lament the lack of spirituality, the growth of pride and selfishness, and, among some of the young fellows, rowdyism and intemperance. The prohibition of the use of tobacco is now a dead letter.<sup>1</sup> The use of beer and wine was encouraged by the erection of a brewery and planting of vines. The members may have six glasses of beer a day, some more, from the hotel bar. The beer made in the community has a reputation for excellence, and as time is allowed in drinking, the damage done is apparently not great. Some prefer to take the beer home for consumption. Hired men drink what they pay for.

To the community, this decline of spiritual fervor is a serious matter, because the officials must depend to such a degree upon the religious sanction. Punishment, except in the most serious offenses, can not be inflicted, and then only expulsion is provided. Lashings of conscience must take the place of the scourge of the law.

The constitution of 1833 (May 14),<sup>2</sup> still in force, provides that the officers shall be elected on the second Tuesday in May, notice having been given twenty days previous; that the elections shall be by ballot by majority vote, under the supervision of four members elected for that purpose. Members of the second class, male and female, possess the suffrage.<sup>3</sup> The officers are three trustees, who serve for three years, and may be reelected indefinitely; a standing committee of five, who act as arbitrators between a member and the trustees, and a cashier, who keeps the money and accounts, making a report to the

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<sup>1</sup> Hired men and some communists gather in the barroom of the hotel of an evening, drink, smoke, and tell stories. At times they are very boisterous, but mingled with the more violent oaths are always some delivered in thoughtless, easy-going German fashion. Drinking bouts are not unknown in some of the houses.

<sup>2</sup> See Appendix III.

<sup>3</sup> Of late some of the men have objected to woman suffrage, perhaps because women have at all times been in the majority. But I think women have not opposed their husbands in serious matters. There is nothing to prevent the women from holding office, but they never did.

trustees annually.<sup>1</sup> The radical differences between this constitution and that of 1824 were in the election of a standing committee instead of arbitrators, in the creation of the office of agent-general—held only by Bimeler—and in the educational institute already referred to. Trustees must provide food, house, clothing, and necessaries for each member without favor. They have charge of all property, all industries, appoint overseers in different departments, and assign work as they will. The trustees are, however, subordinate to the standing committee—the court of appeal.

The mode of admission since the use of hired help became common has been as follows: The applicant was allowed to work for wages for a year or more, when he might, by a two-thirds vote of the members, be admitted as a novitiate by signing the articles of the first class.<sup>2</sup> A child of members, desiring to join the society, might, upon attaining his majority, be admitted in the same way. By the articles he agrees to use all his powers as long as he has strength in laboring for the advancement of the society as the trustees may direct; to put his minor children under the control of the trustees as if they were indentured; to deposit with the society (to be drawn as he needs it) any money he may possess, and to make no extra demands upon the society except in case of sickness.

The trustees, on the other hand, agree to furnish him with suitable dwelling, board, and clothing, and with care during sickness, which is to be considered full compensation for his labor.

Both parties promise good moral behavior, according to the precepts and principles of Holy Writ, and an endeavor to cherish mutual love. The faithful performance of the contract is guaranteed by the penal sum of \$50, which may be collected by any justice of the peace.

After a year of labor and life under the preceding articles, a member of the first class desiring to speak and vote in meetings might make application for admittance to the second class. If, after thirty days' notice, no objection was made, he was allowed to sign the ironclad covenant which follows:

We, the subscribers, members of the Society of Separatists, of the second class, declare that we give all our property of every kind, not only what we possess, but what we may hereafter come in possession of by inherit-

<sup>1</sup> The trustees at the time disbandment was determined upon were John Bimeler, Jos. Brymeier, and Christ Ruof, sr.; the standing committee, Chas. Ehlers, Jacob Rieker, Jacob Ackerman, Benjamin Benter, and Jacob Burkhart; the cashier, Louis Zimmerman; mayor of the village, J. J. Sturm, and clerk, A. Kuecherer.

<sup>2</sup> See Appendix IV.

ance, gift, or otherwise, real or personal, and all rights, titles, and expectations whatever, both for ourselves and our heirs, to the said society forever, to be and to remain, not only during our lives, but after our deaths, the exclusive property of the society. Also, we promise to obey all the commands and orders of the trustees and their subordinates with the utmost zeal and diligence, without opposition or grumbling, and to devote all our strength, good will, diligence, and skill during our whole lives to the common service of the society and for the satisfaction of its trustees. Also, we consign our children, so long as they are minors, to the charge of the trustees, giving these the same rights and powers over them as though they had been formally indentured to them under the laws of the State.

Thus he signed away his rights, with no guaranteed but only an expected compensation in what the trustees might see fit to allow him. Because of this it was said in court:

A contract under which a man obligates himself to serve somebody, no matter whom, for ever and ever, and never to own anything, present or future \* \* \* is against the first principles of our polity and unconditionally void. On this inalienability of rights our whole polity is built, but Zoar's polity rests on an alienation of them all.<sup>1</sup>

Yet the relations of the community to the local, State, and General Governments are normal. The voters are almost all Republican. Members of the society have filled various township offices. Their taxes, which in most prosperous times amounted to \$3,600, have been promptly paid.

Since the incorporation of the village they have had a mayor, six councilmen, and a secretary-treasurer. However, as all improvements are made by the society, any money accruing in the treasury of the village is by ordinance transferred to the treasury of the society. Police duties, by no means irksome, devolve upon a marshal. The fire department is the proud possessor of an old hand engine, which has had no exercise since the foundry burned in the early eighties.

#### VII.—ECONOMIC AND INDUSTRIAL.

The familiar employments and customs of southwestern Germany also influenced the early development of Zoar. Men and women alike engaged in agricultural pursuits. At harvest time all the able-bodied inhabitants went into the fields to cut the grain with the sickle; all were again employed at corn husking. Orchards and vineyards were planted. Wool and flax, grown on the place, were spun on hand wheels and woven in primitive looms. The lingering taste of Württemberg beer

<sup>1</sup>See brief of David Quinn for plaintiff in *Gasely et al. v. Separatists*, supreme court of Ohio, December, 1859, p. 36, to be found in supreme court archives, Columbus, Ohio.

suggested the brewery.<sup>1</sup> When the opportunity to secure an iron furnace came, the people went to charcoal burning.

The principal industries have been mentioned. In its last days Zoar had its woolen factory, flour mill, and sawmills, planing mill, machine shop, brewery, and cider mill, hotel, store, and all ordinary shops. There are no signs to indicate the trade or business. You lift up the latch and walk in to discover for yourself. You may find no workman, for some follow two callings—for instance, the barber barbers on Fridays and Saturdays and works at tailoring other days.<sup>2</sup>

Trade at first was carried on overland with Philadelphia, Pa., but after the opening of the canal goods were shipped by way of Cleveland to New York. Later, railroads in the vicinity furnished better means of transportation to various markets. Exports are now limited to timber, coal, woolen goods, and flour, besides agricultural products and cattle.

Division of labor never progressed very far among the Separatists. In the latter half of the society's life the trustees divided the work among themselves; one directed agriculture,<sup>3</sup> another in the shops, and the third conducted the hotel and had oversight of the cattle keepers. Early in the morning and at noon, from the mayor's office, the trustees assigned work to those not permanently stationed.

The labor of men and women became, too, a little more differentiated.<sup>4</sup> Women came to do only the lighter work in haymaking and harvest; they spaded and planted the gardens; they did sewing, quilting, knitting, as well as milking in the great, clean barn, where stood a hundred well-fed, well-curried shorthorn cows, each of which had her name painted on the stall.

Wealth made the Separatists aristocratic enough to impose the disagreeable and arduous labor on hired men. With the

<sup>1</sup>In the brewery hangs an old German print of Gambrinus, König von Flandern und Brabant, below which is the following:

“Aus Gerste hab' ich Malz gemacht,  
Das Bier brauen zuerst erdacht,  
Drum können die Brauer mit Wahrheit sagen,  
Daas sie einen König zum Meister haben.  
Nun komme ein anderes Handwerk her  
Und zeige dergleichen Meister mehr.”

<sup>2</sup>In busy times in summer the shops are deserted for the fields. Even now women rake and gather sheaves in some fields, too rough or hilly for the binder, where cradles must be used.

<sup>3</sup>Six members and twenty-six hired men are regularly employed in agriculture; in busy seasons all turn out to help.

<sup>4</sup>At first men and women did the same work, even to wheeling out the offal of the stables.

growth of capitalistic instinct, they established a company store where the employees could spend their wages. Further, they became landlords and rented nine farms to outsiders on the shares.

Their youths have never been sent to technical schools nor bound in large factories to learn new methods. Their industrial processes have ever conformed to the individualistic rather than to the factory system of labor. Their ancient methods and plodding work seem inconsistent with even the success attained. Their manufactures are of the honest, substantial sort, as is evidenced by the Zoar stoves and the furniture for the new hotel. Work is supposed to continue from sunrise to sunset. In busy times during the winter they work in the shops after dark. The ten-hour day is unknown.

It might be thought that a feeling of independence must be engendered when the Zoarite warmed himself by coal dug at Zoar in a stove made in town from iron mined and smelted on the society's land; used furniture made at Zoar of wood grown there; ate food raised there, or wore clothes manufactured from cloth woven at Zoar from wool grown and spun there. On the contrary, this independence is but seeming. Less than in the outside world can this man procure what he pleases. Within certain limits he may choose articles of food or of necessity from the common store, but this play of individuality must not proceed too far, lest inequality pave the way for jealousy, or the greater expense for the individual reduce too perceptibly the common fund. Indeed, every worker on the outside possesses goods by the same title as the Separatist does. Neither made the goods which he uses, but each performed a certain labor which he exchanged for the labor of those fashioning the commodities which he wanted. A difference is noticed at Zoar because of the absence of a medium of exchange.<sup>1</sup> For many years no medium of exchange, except in dealing with the outside world, was known.

Each week the members went to the "King's palace" to secure the supplies of whatever sort needed by the family. Meat was supplied from the common slaughterhouse; wood and coal were delivered; bread and milk might be procured each evening. While this mode of distribution has been retained, another has grown up beside it. The community

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<sup>1</sup> Yet upon entering the hotel the first object to attract attention is a penny-in-the-slot machine made for coin, and in which eggs could not be used.

began to allow families to keep chickens and ducks, and to dispose of the eggs as they pleased. Soon some families enlarged their henneries or saved their eggs, which they exchanged at the society's store<sup>1</sup> for luxuries. Later the summer visitors began to pay money to little boys for running errands or for rowing skiffs on the river. Sons who had left the community sent money to parents who remained, and in other ways members became possessed of cash,<sup>2</sup> which caused quarrels and covetousness on the part of those who had none. The old dream of goods in common and equality of members had already vanished though the covenants remained the same. By this communistic scheme none of the elementary factors in the production of wealth were eliminated. Land, labor, and capital were still necessary. None of them was really free, for all were under the control of the trustees. At times, at least, the slavery<sup>3</sup> of the members was greater than under the severest individualistic régime. Food was limited to the barest necessities, comforts in dress and dwelling were unknown. The prudential check to over-population was applied with a rigor to which but few working men would submit.

Howe says of the decade before 1840:

The closest economy is shown in all their operations, for as the good old man Krentzner, the Boniface of the community, once observed, when starting on a bee line for a decaying apple cast by a heedless stranger into the street, "Saving make rich."<sup>4</sup>

This principle has been the foundation of the wealth of the Separatists, which consists in a town, more than 7,000 acres of land, cattle,<sup>5</sup> manufactured products, and stocks. There is a debt of \$13,000, while the value of the whole property is not less than \$800,000.

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<sup>1</sup> The society's store was established for trading with hired hands and neighboring farmers. Cash or country produce was taken in exchange. The storehouse from which common distribution proceeds is a different institution in a separate building.

<sup>2</sup> The *Cleveland Leader* says: "The girls who worked at the store began to get presents of money from visitors, and one of them took a few cents out of the change she had received and bought a piece of ribbon. It was like introducing the measles. It was catching and presently the other girls came out in glorious colors. The trustees were powerless."

<sup>3</sup> See Woolsey's *Political Science*, I, 314, 322; Brussel's *Belge*, quoted in *Public Opinion*, 23, 270. David Quinn, for plaintiffs, in *Gasely et al. v. Separatists*, Ohio Supreme Court December, 1859, argued that since the Zoarites were "slaves bound to obey for life, if they escaped from the community, they could be returned under the fugitive slave law." Brief as above, pp. 37, 38.

<sup>4</sup> Howe, III, 338, *Historical Collections of Ohio*.

<sup>5</sup> About 95 cows, 50 calves, 100 steers, 1,000 sheep, 85 hogs, and 60 horses.



Yet, is it not remarkable that, even with the strictest economy, such a small band, with no money when they arrived at Zoar, should within thirty years have amassed so much property, for in court as early as 1845 their wealth was estimated at \$1,000,000.

#### VIII. DISBANDMENT.

During the eighty years of associational effort at Zoar disturbances and discontent sometimes threatened a return to Sodom and Gomorrah, which in this case had not been destroyed. We have called attention to the lawsuit, brought by seven members, for the purpose of securing a division of the society's property, which was decided in the United States Supreme Court in 1852 in favor of the society. Upon this outcome of the suit, the seven members were compelled to leave the society, though one was allowed to rejoin, and two, being aged, were granted pensions of \$8 per month.

Later John Gasely and wife brought suit for partition of the estate, after he had been expelled for laziness and refractoriness. The supreme court of Ohio held in 1862<sup>1</sup> that the society had the right to expel for cause, which was the only method of redress they possessed against full members who refused to fulfill their covenant; and that the excommunicated members could secure no portion of the property of the society, because they had relinquished all right, title, and interest in any property they owned when they joined, and had then agreed to consider the living, afterwards received, as full compensation for labor performed.

Again and again, threatened disintegration has been averted. About the time of Bimeler's death (1850-1854) a petition was circulated with the purpose of ousting the trustees, Ackerman and Sylvan, from office. It created much commotion, but came to naught.

The final campaign against common ownership was opened December 3, 1895, at a full meeting of the members called to bring about, if possible, the peaceable dissolution of the Society of Separatists of Zoar. This was not the first occasion upon which old Mr. Beuter had begged the members to continue the communistic principle, but to refrain from the habits of gluttony and intemperance which were sapping the foundations of the society. At this meeting, however, he found more serious

<sup>1</sup> See 13 Ohio State, 144.

opposition than ever before. The sentiment in favor of division ran high. Some of the members on either side gave expression to bitter personal feelings, which only widened the breach.

December 30 of that year appeared the first number of the *Nugitna*, the only newspaper ever published in Zoar. It was a small, 4-page monthly, with printed headlines and the remaining matter hectographed. The school-teacher<sup>1</sup> edited it with this avowed purpose—

To educate the members of the society to see that our by-laws need revision; to bring them to look upon communism as not consistent with modern civilization, and to inculcate a spirit which holds sacred the rights of individual members to obtain and hold private property.

The *Nugitna* contained a declaration of independence from communism; displayed such headlines as "Communism—Humbugism," "Communism—Despotism," and branded members as hypocrites. According to it, "the individual interest had become primary, the general interest secondary;" the golden rule had been revised to read, "Love thyself and slander thy neighbor," and "extravagance and pomposity" had taken the place of the early simplicity. The proper motto for communists, declares the *Nugitna*, is "Nimms easy und lasz fuenfe grad sein."<sup>2</sup>

While many of the best members favored the proposed change, this method of securing it was not approved. The trustees, of course, were irate. The expulsion of the editor was threatened. His claim for the liberty of the press was hot and defiant, yet he succumbed to the authorities and but three issues of this peculiar paper appeared.

Through the succeeding months the *Nugitna*, being dead, yet spoke. Dissatisfaction became more pronounced. The community spirit was further troubled by difficulties with a member who would not work, though he ate. He was expelled from membership, but is still supported by the society, while making threats of legal procedure.

Future meetings of the society revealed an impassable gulf. Once thoroughly aroused, the desire for individual possession grew in intensity and spread throughout the society, powerfully encouraged by those who favored a division of the property. They say it was hardest to convince the lazy and unambitious.

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<sup>1</sup> Levi Bimeler.

<sup>2</sup> Take it easy and let us be fifth grade.

Lawyers from the county seat<sup>1</sup> were engaged to draw up articles for disbandment and division. This contract, presented at a meeting March 10, 1898, was formally signed by the 136 members of the Society of Separatists.

Three commissioners,<sup>2</sup> not members, were to be appointed, who, after a survey and appraisalment of the property, were to apportion the real estate equally among the members. Each was to have a tract of farm land, a tract of timber land, and a town lot. Members of the same family or any number of members of the society might have their portions allotted to them jointly. The debts are to be paid from the sale of such possessions as can not be divided, and the remaining cash distributed in equal shares. The meetinghouse, graveyard, and town hall are to be the property of the village of Zoar.<sup>3</sup> No extra provision was made for old or sick members, and the children of the communists receive no portion.

A number of the younger members who have a trade think they will be better off when working for themselves, but even the handiest of them has a knowledge of only antiquated methods of industrial production. They are unused to the quick pace set by factory laborers in general, and competition will be to them a hard master. Another member said intemperance would greatly decrease when individuals had to pay for the liquor they consumed.

The survey is now (April 1, 1898) being made, and within a few months an entirely new condition of affairs will prevail throughout the Zoar lands.

#### IX. CONCLUSION.

Noyes dismisses Zoar with a word. "We will lay aside," says he, "all the antique religious associations, such as the Dunkers, Moravians, etc. We count at least seven of these which do not properly belong to the modern socialistic movement or even to American life. Having their origin in the Old World, and most of them in the last century, and remaining without change, they exist only on the outskirts of general society."<sup>4</sup> Nevertheless the Oncida community, surely Ameri-

<sup>1</sup> Patrick and Neely, New Philadelphia, Ohio.

<sup>2</sup> Col. Samuel Foltz, of New Philadelphia; Henry S. Fisher, of near Bolivar; and William Becher, of Stark County, were appointed.

<sup>3</sup> It is said the grist mill is to be kept in operation for two years, in order to attract capital to the town.

<sup>4</sup> History of American Socialisms, 13.

can and advocating advanced social theories, did not exist long enough to become "antique," though founded by Noyes himself—the high priest of communism.

Very few American societies have been formed in the United States, which has indeed furnished a fertile but thin soil wherein foreign communistic societies have flourished for a time but presently withered away and died. The Shakers are, to be sure, an example of so-called success. The Amana society, though still prosperous, is young. Moravians, Dunkers, Jansonists, Icarians, and Zoarites have given up the community system. The Harmonists are few and weak.

But, for at least one reason, Zoar should not be reckoned with communistic societies transplanted from Europe; for the Separatists came not as communists. Religious they were; but only when life depended on associated effort were they communistic.

Zoar is no conscious experiment in scientific socialism to demonstrate the truth or falsity of the teachings of political economy or to usher in the millennium. This community was founded on the teaching of Jesus, "Sell all that thou hast and give to the poor" and on the well-known attempt of the Jerusalem Church to have "all things in common."

Mr. Charles Bradlaugh attributes<sup>1</sup> any success attendant upon socialistic experiments to (1) some religious or quasi-religious tie, (2) personal devotion to some one man, and (3) the dictatorial power of some strong chief or chiefs. The most financially successful days of Zoar were when the religious tie was strongest and the devotion to Bimeler greatest. This was also the time when affection for the family was weakened; when so-called degrading labor was done by any of the members, even women; when likeness of dress preserved an outward similarity, and when communication with the outside world was most difficult. Even with this combination of conditions favorable to communism, it must be admitted that their wealth was not due principally to their planning, but to the unforeseen circumstance that the Ohio Canal was cut through their lands, as Bishop Hill was freed from debt by grading the Chicago, Burlington and Quincy Railway.

It is easy to discover some of the causes which led to the overthrow of community life at Zoar. The decay of spiritual vigor became very marked, and the old people point out this

<sup>1</sup> See North American Review 144, 15.

fact as the principal cause of dissension. When the members no longer belonged to one Christian brotherhood no high exemplification of common brotherhood could be expected.

The death of Bimeler, with its attendant demoralization, has been detailed. Bimeler necessarily limited the people in their consumption and insisted on long hours and laborious service. There was complaint and rebellion. The expulsion of the idle and several lawsuits followed. But these, it seems to me, tended, on the whole, not to dissolution, but to the firmer union of the communists who favored the expulsion.

On the other hand, the introduction of hired laborers was perverse and from the first tended to disunion.<sup>1</sup> Different religious or nonreligious views entered the community. Swearing and the use of tobacco (which had been prohibited) became common. Unpleasant labor was turned over to hired help and thus social classes began to be differentiated.

Gradually the subordinated family interest developed in strength. Marriage came to be allowed, though the children were early separated from their parents; later children were brought up in their own family. The development of family solidarity occasioned cliques within the clan. Marriage was, however, always endogamous, and disturbance from the outside was thus in great measure prevented.

Infiltration of foreign ideas into the society went on but slowly in the first decade of its existence, when the country was wilderness around and ways of transportation few. But first the canal and two inns increased the ease of communication. Even new hired men, neighbors on their many visits, and newspapers, which came to be allowed, aroused in the young especially a wider hope. Finally came the new railroad and the new summer hotel with its invitation to visitors. Demoralization of methods of exchange, and also of dress, of manners, and of character attended this influx of strangers. The simplicity of the people disappeared. In the contest with the big world the community was overcome.

Artists, musicians, preachers were not encouraged by the Separatists. No genius could here find the means for carrying on his work unless he took some underhanded expedient. And

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<sup>1</sup>I can not but consider that the employment of laborers by a commune is an unnecessary limitation and essential subversion of the very idea of communism. And every commune ought to be so skillfully and liberally managed as to attract some of all kinds of laborers needed, and especially of unskilled and world-degraded laborers. Wright's *Principia*, 443.

it is a question whether any community could allow much latitude in such matters, even though the higher life of the community depended upon it, because, following De Greef, while invention is the means of progress, it is out of harmony with the existing order, and in the reconstruction of society, in accordance with the new ideal, more or less friction must result. Privileges granted to an artistic or intellectual class in a community must create jealousy and lead to a shirking of manual labor on the part of the unfavored persons.<sup>1</sup>

This very tendency is noticed in the industrial life of Zoar. Unable to secure greater individual reward for the consistent performance of a greater amount of labor, members attempted to equalize the returns by doing as little work and getting as much from the commonwealth as anybody else. Here again is shown a tendency of communism—to level down instead of to level up. Equality is found in consumption just above the sustenance line; in intelligence, in a knowledge of the common-school branches; in religion, in the acceptance of certain dogmas, however simple.

Financially the Separatists made an excellent record in the youth of their community, and, though they retained their wealth down to old age, the total return seems meager when one considers the amount of land and the wonderful natural resources they possessed. Lack of technical and scientific knowledge prevented improvement in processes. Zoar, indeed, furnishes but a poor argument for, and no argument at all against, cooperative societies as organized at the present day, whether for economy in production or in consumption. The fundamental conditions, aims, and methods of the two are totally different. "The earlier communism of this century," says Ely,<sup>2</sup> "represented ideals which find their basis in an earlier stage of industrial development. \* \* \* The communistic village based upon a voluntary agreement corresponded to a period of production on a smaller scale when each large household group could hope to become economically almost self-sufficient."

General communism would be confronted by many problems which the communities of the past have never been called upon to solve. For instance, no elaborate scheme for discovering the probable demand of the people for a coming year, in order that a sufficient supply may be produced, is necessary so long

<sup>1</sup> See Woolsey's *Political Science*, I, 318

<sup>2</sup> *Socialism and Social Reform*, 182.

as the outside world stands ready to supply a deficiency or purchase a surplus. Again, subjective exchange valuation has but very little scope in a limited communism, being restricted by the trustees to the choice of but few articles. General communism would be in continual danger of revolution from such restriction.

The question of reward for, or incentive to, mechanical invention, or of sustenance of the inventor during the progress of his work, has never demanded complete solution in limited communism. Inventions perfected and tested outside have been imported and employed.

Criminals and unworthy persons would have to be provided for in general communism, for banishment, the principal punishment of smaller communities, would be no longer practicable.

Indeed, no community as yet has found it wise to open its gates indiscriminately to promiscuous hordes. However satisfactory communism may be among perfect beings, the experiments, whether at Zoar or at other places on earth, have exposed irreconcilable idiosyncracies and faults even in those societies where only the most congenial were admitted to membership.

Yet those fanatically favorable to practical communism in the present time will probably find confirmation of their theories in the precarious and temporary success, the freedom from anxiety concerning age or sickness, as well as, indeed, in the instances of heroic self-abnegation and altruistic service among the Separatists of Zoar.

Though our country has been said to be consecrated to associational effort, of which "E Pluribus Unum" (many individuals in one united whole) is the motto, yet its territory is covered with the graves of communistic societies, from the one which settled at Jamestown in 1607 to Zoar, which is so lately deceased. Had every isolated community been successful in its own small way in the promotion of peace, brotherhood, wealth, and happiness, the practicability of unlimited communism would not thus be demonstrated:

To protest against the world by cessation from it is one thing; to reconstruct it is another. It is easy to organize, on the basis of a community of goods, a household, a family, or a village, but the process lends no help in the organization of a county or a nation, and if it can not be extended to these larger limits it stands condemned.<sup>1</sup>

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<sup>1</sup> Courtney *Economic Journal*, I: 177.

Nevertheless the influence of these societies, from Jamestown to Zoar, has not been totally lost. These old communities, political and religious, have had some share in effecting the later really magnificent, philanthropic, and charitable progress in the socialization of human endeavor and in the correlation of divers forces to the advantage of the human race.

It is improbable that reformers will soon—

Wipe out earth's furrows of the thine and mine  
And leave one green for men to play at bowls,  
With innings for them all.<sup>1</sup>

for our morality, our law, and our customs are founded upon the basis of private property, and have endured too long to be easily overturned,<sup>2</sup> but since individualism tends, in its extreme form, to social disintegration and anarchy, the importance of arousing and maintaining a spirit of devotion to the common welfare must not be underestimated.

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<sup>1</sup> Aurora Leigh, Mrs. Browning, pt. 2.

<sup>2</sup> See Nation, 26, 302.



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## APPENDIX I.

The following articles of association and constitution have been copied from translations submitted to the supreme court of Ohio, in the case of *Gaeely et al. v. Separatists of Zoar*. A few changes in capitalization and spelling have been made; otherwise they are the same:

*Translation of the articles of association of the Society of Separatists of Zoar, Tuscarawas County, Ohio, adopted by its members April 15, 1819.*

The undersigned members of the Society of Separatists have, from a true Christian love toward God and their fellow-men, found themselves convinced and induced to unite themselves, according to the Christian apostolic sense, under the following rules, through a communion of property, and they do hereby determine and declare that from the day of this date the following rules shall be valid and in effect:

## ARTICLE 1.

Each and every member does hereby renounce all and every right of ownership of their present and future, movable and immovable, property, and leave the same to the free disposition of the directors of the society, elected by themselves.

## ARTICLE 2.

The society elects out of its own members their directors and managers, who shall conduct the general business transactions and exercise the general duties of the society. They therefore take possession of all the

active and passive property of all the members, whose duty it shall be at the same time to provide for them; and said directors are further bound to give an account to the society of all their business transactions.

## ARTICLE 3.

All the members of the society do hereby promise to render due and faithful obedience to the orders and regulations of their directors, and to support them as much as possible in all the common business transactions of the society.

## ARTICLE 4.

Casual contentions or disputes shall be decided by the aforementioned directors, which shall be done by a majority of them in case they themselves are not accused or implicated in the same. Should this be the case, then the society elects one or more persons in the room of those who may be partial, until the number of three, five, or seven is filled.

## ARTICLE 5.

Backsliding members can not, neither for property brought in nor for their labors in the society, demand any compensation or restitution, except a majority of the society shall be willing to allow that or those backsliding members a reasonable compensation.

## ARTICLE 6.

The society can and may increase or reduce the number of its members according to its own best judgment. Such, however, shall always be founded on union and the preservation of the society.

## ARTICLE 7.

The election will be held annually and, indeed, according to the laws of the State of Ohio.

Attested by the directors:

JOHN BREYMAIER.  
JOHN GEORGE ACKERMAN.  
AUGUST HUBER.

ZOAR, STATE OF OHIO,  
April 15, 1819.

## APPENDIX II.

*Translation of the articles of association of the Society of Separatists of Zoar, Tuscarawas County, Ohio, adopted by its members March 18, 1824.*

In the name of God the Father, and Jesus Christ the Son, and the Holy Ghost, Amen.

We, the undersigned inhabitants of Zoar and its vicinity, in Tuscarawas County and State of Ohio, being fully persuaded and intending to give more full satisfaction to our consciences in the fulfillment of the duties of Christianity and to plant, establish, and confirm the spirit of love as the bond of peace and union for ourselves and our posterity forever as a safe foundation of social order, do seek and desire, out of pure Christian love

and persuasion, to unite our several personal interests into one common interest, and if possible to avoid and prevent lawsuits and contentions, or otherwise to settle and arbitrate them under the following rules, in order to avoid the disagreeable and costly course of the law as much as possible.

Therefore, we unite and bind ourselves by and through this common and social contract, under the name and title of "The Separatist Society of Zoar," and we agree and bind ourselves and promise each other and all together that we will strictly hold to, observe, and support all the following rules and regulations as faithfully as it ever may be possible.

In like manner, we promise to support and warrant any such new articles, amendments, or alterations, which may be in favor of the above-expressed intentions, if such should be added to these articles and obtain the consent of the several members and subscribers hereof.

#### ARTICLE 1.

We, the undersigned members of the second class of the Society of Separatists, declare through this first article the entire renunciation and resignation of all our property, of all and every dimension, form, and shape, present and future, movable or immovable or both, for ourselves, our heirs, and our posterity, with all and every right of ownership, title, claims, and privileges to the aforesaid Society of Separatists, with the express condition that from the date of the subscription of each member such property shall be forever and, consequently also after the death of such member or members, remain the property of the said Separatist Society.

#### ARTICLE 2.

We hereby declare that each male person at the age of twenty-one, and each female person at the age of eighteen years, being possessed with the requisite qualities and signing these articles, may become members of this society. New members will be admitted through and by the following form, but it will be necessary for them, as well as for the first members, to resign all their property, as well for themselves as for their posterity, honestly and faithfully, and to renounce all their rights, titles, and claims entirely, and to make over the same to the directors of the society.

Concealed debts of such new members will not be paid by the directors of this society, but shall fall back to such members who shall have contracted them. In other respects, however, such new members shall have full claim to equal treatment and enjoyment with the rest.

#### ARTICLE 3.

The society elects their own directors and their successors in office, who do take and shall take all the property, as well that of the individual members as also that of the whole society, together with all rights, titles, benefits, and claims of all and every description, be the same present or in future, movable and immovable, with all their authorities and powers, into their disposition, and who are hereby required to hold and manage for the general benefit of this society and according to the prescriptions of these articles, and which they shall conscientiously apply as aforesaid to the best of their skill and understanding.

They, the said directors, shall be in duty bound to consult upon and to conduct the whole economy of the society. They shall have power to trade, to purchase and to sell, to conclude contracts and to dissolve them again, to allow and give orders, to which, however, they shall all have to agree and obtain the consent of the cashier thereto.

The said directors shall further conduct and regulate the laboring part of the business of the society, and they shall have a right, whenever it may be necessary, to appoint agents or subagents for the purpose of doing or causing to be done such business as they may find suitable and necessary.

They, the said directors, shall also conduct the entire provision of all and every member in boarding, clothing, dwelling, and other necessaries of life, in such proportion as situation, time, and circumstances may require.

#### ARTICLE 4.

We, the undersigned, promise and bind ourselves, diligently and in the most faithful manner, to obey the orders and regulations of the directors and their agents without opposition or murmuring; we further agree to apply all our strength, good will, diligence, and skill during life to the general benefit of the society and satisfaction of said directors.

In like manner, we do promise and agree under the same expressions and determinations, our children during the time of their minority to be subjected to all the regulations and dispositions of the aforesaid directors, not only as it regards labor and their provisions, but also to any other kind of labor, employment, or engagement, in or out of the society, as long as they are minors or as long as said directors may find it best to do so; and the directors shall have the same power so to do as soon as they may find it suitable and more beneficial to do so, as if the parents of such children had done this themselves; for the binding of children out of the society, however, a majority of the votes of the members must first be obtained.

#### ARTICLE 5.

This article entitles and empowers the directors of the society and their successors in office, in the name of the society, to receive and take charge of all inheritances of deceased members, together with all the rights, titles, and claims in and to the same, and to ask, demand, and hold the same; in short, they shall have full right and power, even as if such deceased person or persons were yet living and did themselves ask for, demand, and receipt for the same; consequently the children, friends, or relatives can not become heirs of their parents, friends, or relatives, since all the property of the members is by them doomed to be and remain forever the property of the said society.

The directors of said society are further, by this fifth article, entitled and empowered to appoint other suitable persons under them, even out of the society, and empower them to collect, or cause others to have collected, properties, goods, or moneys belonging to members who may yet be living, as well as such who may be deceased, and to receipt or cause them to be receipted for, the same even as if the person or persons for whom it was done had collected, taken charge of, and receipted for the same themselves.

## ARTICLE 6.

Casual contentions or disputes between two or more members shall be made known to the directors of the society and shall be by them investigated and decided according to the majority of their votes. Should, however, the dispute of any member or members be against more than one of the directors themselves, then the parties shall have a right to appeal; or if any of the parties should not be satisfied with the decision of two disinterested directors, then such party may proceed to an appeal, which appeal shall be and consist in the following form:

## ARTICLE 7.

There shall be a board of arbitration or court of appeal elected by the society, who shall be empowered and established by this article; such board may consist in from one to three persons, and shall be elected by the society, and through a majority of votes; said board shall be invested with the highest and concentrated power of the society, whose organ or instrument it shall actually be.

Said board of arbitration—may it consist in one, two, or three persons—shall be bound to observe all the different branches of economy of the society, and, whenever they may find it necessary, to give orders and instructions, to investigate accounts and plans which may have been made by the directors or their agents; in short, all transactions of importance and of the value of more than fifty dollars, shall have to obtain the consent of said board of arbitration before they shall be considered binding and valid.

The decision of said board of arbitrators, in all kinds of litigation, without any exception, shall be treated and considered as final and conclusive. Whoever acts contrary and will not be satisfied with their judgment shall forfeit and lose all the enjoyments and rights of a member; and such further binds itself, in case he or they shall apply to any court of justice for a decision out of the society, to pay to said society all the damages accruing by such application, besides the costs accruing to said society by reason of such suit in law.

Said board of arbitration shall further have power in the name of the society, according to the result of circumstances and when sufficient complaints have been adduced by the directors, to excommunicate arbitrary and refractory members, to cross out their names and signatures, and to deprive them of all future enjoyments of the society.

In like manner shall such arbitrators determine upon the sum or sums which such excommunicated person or persons shall have to pay to said directors for damages caused by them to said society, for which purpose the directors of the society shall hereby be empowered in case of a refusal or nonfulfillment [of] this article to take legal measures in law against such excommunicated and refractory member or members and to force them to the fulfillment of this duty and to the payment of damages as above mentioned, through the existing form of the general laws of the land.

All the judgments given by said board of arbitration, under the form and circumstances above mentioned, shall be made out in writing and carried into a book prepared for that purpose, and shall in all courts of justice be considered valid, effective, and irrevocable.

## ARTICLE 8.

Each person desiring to become a member of this society must first be of full age; that is, each male person must be twenty-one and each female person must be eighteen years of age or more. Applications for being admitted as members must be made to one or more of the directors, who shall investigate into the reasons, grounds, and capability of such applying person or persons, and if they find no direct cause of objection against such person, they shall give notice of such application to the board of arbitration and shall invite such person to appear at a certain time and place, and if then no impediment shall be found and at least two-thirds of the society shall vote for the reception of such person, then the applicant shall be by said board of arbitrators admitted to sign these articles of association.

## ARTICLE 9.

The elections for arbitrators and directors shall be held as often as the society may deem it suitable and necessary, and without having first determined upon any particular form for the same. There shall at all times, if possible, be three directors in office, yet, for the want of one, two shall be capable of transacting business, and each candidate for said office must, at least, have been a good member of the society for five years previous, and must have proven a good moral character.

A member of the board of arbitration must have been a member of the society for at least ten years previous, and must have lived without blemish as much as possible, if he shall be considered eligible. This shall, however, not be counted from the date of the signatures to these articles, but from the time of the reception and free exercise of the general principles of the Separatists.

Members of the board of arbitration must be members, but they may be nonsubscribers. Directors, however, must be both members and subscribers to these articles.

All subscribers, male and female, have a right to vote at elections, except if anyone, by disorderly deportment, should have rendered himself for a time or even forever unfit for said purpose, on which the directors in office, or for want of them the board of arbitration, shall have to decide. The officers shall be elected and established by a majority of the votes, consequently the highest power shall be and remain forever in the hands and disposition of the society, who does hereby reserve the right at pleasure to remove and to establish officers or to place others in their stead; in short, to make any alterations which may be deemed best.

## ARTICLE 10.

The society keeps or elects its own cashier, whose duty it shall be to manage their receipts, moneys, and expenditures, and besides him, no one shall be entitled to keep any moneys without the order of the cashier. Even the directors shall, without delay, deliver all moneys, notes, bonds, and such like, as property belonging to the society, into the hands of the cashier. Every transgressor of this provision may be accused by any member or other person before the board of arbitration, who shall by

them be treated and dealt with according to the provisions of the seventh article.

The cashier is further bound to apply all moneys which may come into his hands by the order of the directors and arbitrators to the benefit of the society, to pay their debts and liquidate their general wants.

#### ARTICLE 11.

Individual demands, which may either be made by backsliding members or by such who, on account of disorderly deportment, may have been excommunicated—may such demands consist in money, goods, or other effects, under whatever name it may be—shall be by this article, for ourselves as well as for our posterity, forever abolished and abrogated; neither shall there ever be any demands made to the society by anyone for any remuneration for services nor wages for any labor done for said society. All attempts made with this intent shall be confined to the provisions of the seventh article. All deficiencies and equivocations in these by-laws shall never be explained in favor of the complainants or accusers, but shall always be translated and explained to the benefit of the society, and be treated in the same manner.

All decisions and judgments passed by the board of arbitrators shall in all and every case be binding, valid, and have their full force. Disputes between directors and members, or between both, shall also be decided by the board of arbitration.

#### ARTICLE 12.

Those articles made, established, and adopted on the 15th day of April, 1819, shall be treated and considered as the basis and foundation of these present articles; they shall be valid and in force until the signing of these present ones, and shall also be and remain the same to all those who had signed them; and these present articles shall only represent a more detailed explanation of the former, but in nowise shall these be considered or explained as a contradiction of the same.

Thus done in Zoar, Tuscarawas County and State of Ohio, this 18th day of March, in the year of our Lord one thousand eight hundred twenty and four (1824).

The signatures of the members are hereby witnessed by the directors of the society in office at the time.

JOHN GEORGE ACKERMAN,  
JACOB SCHACKER,  
MICHAEL SINDLINGER,  
*Directors.*  
J. M. BIMLER,  
*Arbitrator.*

#### APPENDIX III.

*Translation of the Constitution of the Society of Separatists of Zoar.*

Introduction to the constitution of the Society of Separatists of Zoar:  
Pursuant to an act of the legislature of the State of Ohio, passed A. D. 1832, No. 126, entitled "An act to incorporate the Society of Separatists of Zoar, Tuscarawas County, Ohio," we, the undersigned members of said Society of Separatists of Zoar and its vicinity, have found it expedient to

renovate our hitherto existing constitution as contained in the following articles:

In the name of God the Father and Jesus Christ the Son and the Holy Ghost. Amen.

In order furthermore to secure our consciences that satisfaction proceeding from the faithful execution of the duties which the Christian religion demands, and to plant and establish the spirit of love as the bond of peace and unity for a permanent foundation of social order for ourselves and our posterity forever, we therefore seek and desire in accordance with pure Christian principles to unite our various individual interests into one common stock; and, conformable with the example of the primitive Christians, all inequalities and distinctions of rank and fortune shall be abolished from among us and consequently to live as brothers and sisters of one common family.

Pursuant to the foregoing principles and resolutions, we voluntarily unite and bind ourselves by this joint agreement under the name and title of "Society of Separatists of Zoar," and we obligate ourselves each to the other, that we will hold to the following articles and rules; that we will observe and support the same to the best of our abilities, which from the day of the date hereof shall be in force and virtue in law.

ARTICLE 1.—*Regulating elections.*

All elections for the divers necessary officers of the society shall, agreeably with the provisions of the act of incorporation, be held on the second Tuesday of May annually, and, in accordance with the statute of the State of Ohio, be decided by ballot and majority of votes. On said election day shall annually be elected one trustee (extraordinary circumstances excepted), annually one member of the standing committee, quadrennially one cashier and an agent-general, unlimited in term as long as he possesses the confidence of the society. The time and place, when and where the elections shall be held, also the number and kind of officers to be elected shall be made known by the trustees of the society at least twenty days previous to the election; for which purpose the society or any ten members thereof shall at each election appoint a committee of four persons whose duty it shall be to conduct the election in conformity with the laws of this country. The society shall elect all the officers from amongst the members thereof; whereby special reference shall be had to the necessary and requisite qualifications, integrity, and faithfulness of the candidates.

ARTICLE 2.—*Election of trustees and their duties.*

The society shall elect from amongst its members three suitable persons as its directors or trustees and their successors in office, who shall take charge of the joint property of all the undersigned members; said trustees shall, as stated in the first article, be elected by majority and agreeably to the following regulations: The majority for three years, second majority for two years, and third majority for one year, and after the expiration of one year, annually one trustee. Should the case occur that one or more candidates of one and the same office receive an equal number of votes, then the balloting shall be repeated until a legal majority shall be obtained. Each trustee may remain in office for three years in succession



unless circumstances to the contrary, such as death, sickness, absence, refusing to serve, etc., render such impossible, or in any case the misconduct of any one of the trustees cause the society to discharge one or the other, and to fill such vacancy as said society may choose; which right of discharging and replacing the said society reserves to itself, before the expiration of the ordinary term of three years, or even of one year; yet each trustee shall remain so long in office until his successor be chosen.

Said trustees are hereby empowered and in duty bound to take charge of all the property, real and personal, which this society either now or in future may possess, including all property of newly accepted members, movable and immovable, of whatever name and description it may be; likewise are they authorized to receive all kinds of legacies, donations and personal claims; in fine, every species of property to which any of the members may at any time have just claim, to demand and collect the same by legal proceedings, and shall appropriate and apply the same conscientiously to the best of their knowledge and skill, in behalf and for the exclusive benefit, use, and advantage of said society. And it shall also be the duty of said trustees carefully to furnish each member, without respect to person, with board, clothing, and dwelling and other necessities alike in days of sickness and of health as good as circumstances will allow. Said trustees shall furthermore take charge of the economical affairs of this society; consult over and direct all the business and consequently to assign to each individual member its duty and work to be performed, to which at least the majority of said trustees, if not all, shall be agreed. Said trustees are hereby empowered to appoint subtrustees or agents as many and to whatever purpose they may see proper and necessary; and all such subtrustees or agents shall be responsible to the said trustees for all their transactions. Said trustees shall fill the various branches of economy with suitable persons, who shall conduct the same, subject to the control of said trustees and liable to like responsibility for the conduction thereof as other subtrustees or agents. But all resolutions in regard to important undertakings shall be submitted to and be subject to the approbation of the standing committee, and said trustees shall at all times be responsible for all their transactions to said standing committee. Casual discord, differences, and misunderstandings shall throughout by way of arbitration be settled amicably by the trustees of said society; in case that this can not be accomplished by and through said trustees, then the court of appeals, cited in subsequent articles, shall solely decide. And the said trustees are by this article bound to maintain and promote peace and order in the society; they are furthermore hereby authorized to propose to the board of arbitration or standing committee such regulations and improvements calculated to facilitate those purposes; and if a majority of both bodies approve of the measures thus proposed as proper and necessary, they shall thereupon be recommended to be observed as such, provided that such amendment be in no wise contradictory to these articles.

ARTICLE 3.—*Election and duties of agent-general.*

In order partly to simplify, and likewise in many instances to ease the business and duties of the trustees, the society shall elect an agent-general, who shall act for and in the name of said society. He is hereby authorized to buy and sell, make and conclude contracts, and to discontinue and

annul them again; to employ agents beyond the circle of the society and to correspond with them; also to issue and again to accept orders; to direct and superintend, to the welfare of the society, all its trading and commercial concerns; in fine, all affairs which in anywise appertain to the aforesaid line of business, of whatever name, shape, and descriptions they may be, and shall be carried on under his direction and superintendence. In like manner shall all the manufactures and similar works be under his superintending care, to the furtherance and improvement of which he shall pay due regard, and to regulate them in such a way and manner as he shall from time to time find it most conducive to the general good of said society. The agent-general shall furthermore be entitled to appoint subagents, when and as many as he shall stand in need of, who shall be empowered to transact in his name all such business as he shall see proper to charge them with; and said subagents shall be held responsible to the agent-general for all their transactions; and the said agent-general shall, in appointing subagents, act by and with the consent of the trustees, whose concurrence shall also be necessary in all undertakings of moment and importance; and for the due administration of the powers and duties hereby committed to his care and charge, he shall be accountable to the standing committee of the society. All deeds, mortgages, and similar instruments of writing shall be executed in the name of the trustees and be placed to the safe-keeping of the agent-general.

ARTICLE 4.—*Election and duties of the standing committee.*

By virtue of these articles the society shall elect from amongst its members a standing committee, which shall consist of five persons, but in case a vacancy of one or two members thereof shall occur, either by death, sickness, absence, or otherwise, then the three remaining members shall be capable of transacting business until the next succeeding election; this committee shall be invested with the concentrated power of said society and shall execute all those duties which are marked out for it in this constitution; in all extraordinary cases shall this committee serve as a court of appeals, and shall, as the highest tribunal, be hereby empowered to decide as such, and the judgment thereof shall be final and binding in all cases, provided that no complaint shall be brought before it for decision except by way of appeal; that is, in case one or both of the contending parties should be dissatisfied with the decision of the trustees. Trustees can never at the same time be members of this committee. The election of said committee shall be so regulated that annually one member to said committee shall be elected, and that each member may hold his office for five years successively, and are at all times eligible again as long as they possess the confidence of said society.

ARTICLE 5.—*Election of cashier and his duties.*

The society shall choose a cashier or treasurer to be elected for the term of four years, and shall, after the expiration of such term, be eligible again so long as the society intrust him with the station; said cashier shall take charge of and duly administer to all its financial concerns, and besides him none of the members shall be entitled to hold any money, without order from the cashier. Even the trustees and the agent-general shall

deliver up all money, notes, bonds, checks, etc., as belonging to the society into the treasury without delay; and every transgressor of this provision shall, by any member or person whosoever, be prosecuted for the same before the trustees of the society and shall be treated by them according to the provisions of the tenth article. It shall also be the duty of the cashier to appropriate and apply all moneys received, conformable to the directions of the trustees, the agent-general, and the standing committee, exclusively to the benefit of the society; to pay the society's debts, defray the general necessaries, and to credit said trustees with the surplus fund. All and every person who has charge over any one or more of the branches of economy shall hand in their accounts to the cashier at such times as he shall see proper to order the same; and the trustees are hereby entitled to request from the cashier an annual account of his transactions if they deem it necessary. The cashier shall have the right, if circumstances require it, to appoint a clerk to keep regular records of elections and of such other important measures which the divers officers shall deem necessary.

ARTICLE 6.—*Delivery of property and duties of the members.*

We, the undersigned members, second class of the Society of Separatists of Zoar, declare by these presents that all our property of all and every description, which we either now or in future may possess, movable or immovable, or both, together with all claims, titles, rights, devise, and legacies, etc., of whatever kind and name they may be, as well for ourselves as our descendants, heirs, executors, and administrators, shall be forever given up to said society, with the express condition that such property shall from the date of the signatures of each member forever henceforth, consequently after the death of each respective member, be and remain the exclusive property of said society; also do we promise and bind ourselves most faithfully and industriously to execute all the orders and regulations of said trustees and their subtrustees or agents, without opposition and murmuring, and we likewise agree to apply all our strength, good will, industry, and skill for life to the general benefit of said society and to the satisfaction of the trustees; likewise do we promise and agree, under the same conditions and regulations, to place our children, whilst they are in a state of minority, under the directions and regulations of said trustees, in same manner as if they were legally bounden by lawful indentures to them and their successors in office, until they shall have attained their proper age, as defined by the laws of this State.

ARTICLE 7.—*Acceptance of members.*

In accepting new members the following rule and order is to be observed: Each and every person wishing and desiring to become a member of the second class of this society shall first of all have attained to the lawful age—that is, a male person shall be twenty-one and a female eighteen years of age; secondly, shall such person or persons have lived in and dwelled with the society for the term of at least one year and shall have been a member of the first class of this society, without exception if even born and educated in the society, and provided that they have faithfully fulfilled the contract previously concluded with the trustees of this

society at their entrance into the first class—if such person or persons can show both the aforesaid qualifications, and the resolution not being prematurely made, but who by their own free will and accord, self-convinced are so resolved, such person or persons shall make known their intention to one or more of the trustees, whose duty it shall be to hear such person or persons; and if after having taken the applicant's motives into due consideration no well-founded cause for rejection or postponement be found, then said trustees shall make it known to the society at least thirty days previous, and appoint the time and place when and where such signing shall be performed; and if during such interval no complaints or objections from the part of the society or any of its individual members against such person or persons be made thereupon, they may be admitted to the signing of this constitution, and after signing such are thereby constituted members of the second class of the society, and shall be considered and treated as such; provided that in case such new member shall have kept secret any of its contracted debts or other obligations foreign to the society, such members shall have forfeited all privileges and rights of membership, in case sufficient proof be found to establish the fact.

ARTICLE 8.—*Education institute.*

In accordance with this article the society shall keep or establish a general education institute for all the children in the community, at the head of which such male or female overseers shall be placed whose qualifications shall be found best suited for said purpose, and, agreeable to this proviso, all the parents of children in this society bind themselves to deliver up and place their children, after having arrived at the third year of their age or sooner, to the overseers of said institution, where said children shall receive, according to their age and faculties, appropriate education and tuition. Said overseers shall be chosen and engaged by the standing committee, subject to the express duty that they shall exert their best endeavors and care to give those children placed under their care, as well in moral as in physical consideration, the best possible education, thereby having in view not only the attainment of scientific branches of knowledge, but also gradually train them to performing the divers branches of manual labor. And it is hereby made the duty of said committee to keep strict superintendence over the institution. And they shall also be authorized to place such children, as soon as their age, abilities, and bodily condition will permit, under the control of the trustees, who shall give them such employment as they may be able to perform.

ARTICLE 9.—*Power of the trustees to collect and take charge of heritages, etc.*

This article authorizes and empowers the trustees and their successors in office, in the name of the society, to hold and take possession of all remaining property of deceased members, with all their rights, titles, and claims whatsoever, to demand or cause the same to be demanded and collected, and, finally, they are hereby invested, as the universal heirs, in the name of the society, to act with full rights and power as if such deceased person or persons were yet living and themselves demanded and acquitted for the same; hence the children, friends, and relatives, whether they be in or without the society, can not be or become heir to such an heritage of

a deceased member, since all property forever is and shall remain the portion of said society. And the trustees of said society are and shall be hereby authorized to empower other suitable persons in or out of the society to demand and collect, or cause to be demanded and collected, moneys, estates, and effects of persons, either yet living or deceased, in same manner as if such person or persons for whom such was done had themselves demanded and collected the same, received it, and receipted therefor.

ARTICLE 10.—*Contentions, etc.*

Casual contentions between two or more members, and complaints, of whatsoever kind and description they may be, shall be brought before the trustees and by them examined and settled. But in case one or the other party should not be satisfied with the decision of said trustees, or should any one or more of the trustees themselves be involved in such contention, etc., then appeal may be had to the standing committee or court of appeal, whose decision shall in all cases be final and binding. Whosoever shall act contrary to this provision and will not be satisfied with their judgment loath and debarreth him or her self of all further enjoyment and rights of a member.

ARTICLE 11.—*Seceding members.*

Should any member or members find cause to secede from the society, they shall make known such their intention to one or more of the trustees, whose duty it shall be to notify the society thereof in order that, if any complaints be existing against such member or members, they may betimes be brought forward to said trustees, who shall thenceforward act in respect to them agreeable to all the attending circumstances; but should any seceding member, unknown to the trustees, have contracted any debt or debts upon the community or been the cause of subjecting the society to any cost or injury, in such case said member or members shall make satisfactory restitution or otherwise render such indemnification as the said trustees shall demand, and in case such seceder or seceders should not content themselves with the judgment of said trustees and refuse to make satisfactory restitution, in that case both parties, the trustees and seceding members, shall be entitled to an appeal to the standing committee and the decision thereof shall in all cases be binding and final. Should any person or persons, notwithstanding this provision, be dissatisfied and apply to a court of justice beyond the limits of the society for assistance, in such case they are also hereby bound to render due indemnification for all damages and loss of time thereby caused to and sustained by said society. In case any seceding person should refuse to comply with the demand of the trustees in pursuance of the decision of the standing committee, the trustees shall be authorized to prosecute such person or persons and by course of law to bring them or cause them to be brought to the due fulfillment of the duty or payment as aforesaid. Furthermore shall the committee be authorized to act in like manner with all those who, on account of acting contrary to duty and good order, have been expelled from the society, to expunge their names and signatures, and to excommunicate them from all further enjoyment and rights of a member of the society. Neither the seceding persons who leave the society of their own accord nor those who are expelled therefrom can ever by virtue of their signatures and by the provisions of this article, under any

pretense whatever, in any wise make any demand or obtain, either upon property brought to the society or for their labor or any other service which they may have rendered to the society, in whatever the same shall have consisted, any compensation whatever. Yet such person or persons may, if they choose, submit their pretensions to the standing committee, whose opinion shall decide whether or not, or under what condition such applicants shall be entitled to receive any indemnity. All judgments of the committee issued pursuant to the foregoing prescriptions shall be made out in writing and recorded in a book to be kept for that purpose, which shall in all courts of law and equity be considered valid and incontestable. Each given judgment of said committee shall be handed over to one or more of the trustees, by virtue of which he or they are authorized to execute such judgment or cause it to be executed, either on voluntary terms or by the ordinary process of law. This constitution shall never in any wise be broken or annulled by dissatisfied or seceding members.

ARTICLE 12.—*Concerning the constitution.*

The society can at any time, whenever deemed expedient and necessary, alter this their constitution, or any one of the articles thereof, or add thereto, provided that such alteration or addition shall always be founded upon the principles of unity and conservation of the society, and only then practicable if at least two-thirds of all the members be in favor of it. In no wise shall this present renewed constitution ever be viewed as declaring or presenting ineffectual or void the articles signed by the members on the fifteenth day of April, 1819, and those on the eighteenth day of March, A. D. 1824. On the contrary, said articles shall be acknowledged as the basis of the present constitution. All unintelligibleness, equivocation, or deficiency which peradventure might exist in this constitution, shall always be construed and treated in favor of the society, and never to the advantage of individual members. At least annually, at a suitable time, shall this constitution be publicly read at the place of public meeting. Written and concluded in Zoar, Tuscarawas County, and State of Ohio, the fourteenth day of May, in the year of our Lord one thousand eight hundred and thirty-three.

APPENDIX IV.

*Articles of the first class.*

We, the undersigned, members of the first class of Separatists, party of the first part, and George Gasely, Jacob Ackerman, and Christian Ruof, trustees elect, and their successors in office, of the Separatists' Society of Zoar, in the county of Tuscarawas, and State of Ohio, party of the second part, have, through confidence mutually reposed in one another, established and by these presents do establish the following rules and principles of social compact for the better fulfillment of the duties of mankind, which we owe one another, and also for the furtherance of our spiritual and temporal welfare and happiness.

ARTICLE 1.

We, the said party of the first part, do declare, that by our own free will and accord we have agreed and by these presents do agree and bind ourselves to labor, obey, and execute all the orders of said trustees and their successors in office; and from the day of the date hereof henceforth

to use all our industry and skill in behalf of the exclusive benefit and welfare of the said Separatists' Society of Zoar, and continue to do so, as long as strength and health will permit, to the entire satisfaction of the said trustees and their successors in office.

ARTICLE 2.

And we do also hereby agree and bind ourselves firmly by these presents to put our minor children under the care and control of the said trustees and their successors in office, in the same manner as if they had been bound by indentures to serve and dwell with them and their successors in office, for and during the term of their minority, subject to all the duties and likewise entitled to the same rights and protection as indentured children by law are subject and entitled to, until they shall have attained their proper age as defined by the statutes of the State of Ohio.

ARTICLE 3.

And the said trustees do hereby for themselves and their successors in office, agree and bind themselves to furnish the said party of the first part with suitable dwelling, board, and clothing, free of cost, the clothing to consist at any time of not less than two suits, including the clothes brought by the said party of the first part to this society; and in case of sickness, necessary care and attendance is hereby promised to the said party of the first part; and this performance of the trustees and their successors in office shall be considered by the party of the first part a full compensation for all their labors and services, done either by themselves or their minor children, without any further claim or demands whatever.

ARTICLE 4.

Good and moral behavior, such as is enjoined by strict observance of the principles of Holy Writ, are by both parties hereby promised to be observed; hence, it is clearly understood that all profane language, immoral words and acts, which may cause offense amongst the other members of this community, are not only wholly to be avoided, but, on the contrary, all are to endeavor to set good examples and to cherish general and mutual love.

ARTICLE 5.

The object of this agreement being, furthermore, to preserve peace and unity, and as such can only be maintained by a general equality among its members, it is, therefore, severally understood and declared that no extra demands shall be made or allowed in respect to meat, drink, clothing, dwellings, etc. (cases of sickness excepted), but such, if any can be allowed to exist, may and shall be obtained by individuals through means of their own and never out of the common fund.

ARTICLE 6.

All moneys, which the said party of the first part either now possesses or hereafter may receive into their possession, shall without delay be deposited in the common fund of this society, for which a receipt, payable on demand, is to be given; but upon the request of the said party of the first part, in order to procure extra necessaries, as the case may be, a part or the whole of said deposit shall be refunded to the owner.

## ARTICLE 7.

All manner of misunderstandings and differences shall be settled by way of arbitration and not otherwise; that is, by a body of three or five persons, to be chosen by both parties, and their decision shall be binding on both parties.

## ARTICLE 8.

All rules and regulations contained in the foregoing articles (if any there be which are not plain enough or are subject to misapprehension) shall be so understood as never to be in opposition to but always in perfect accordance with the morals, usages, principles, and regulations of the members of the second class of the Separatists' Society of Zoar.

## ARTICLE 9.

These articles being fully and fairly understood, to their strict and faithful performance, both parties bind themselves in the most solemn manner, jointly and severally, their children, heirs, executors, administrators, and successors in office by the penal sum of fifty dollars, current money of the United States of America.

## ARTICLE 10.

If, in consequence of the foregoing, a penalty upon any one of the parties to this agreement shall be laid, then, in case of refusal or noncompliance, the party so refusing may be prosecuted for the same before any magistrate or justice of the peace in the township, county, and State wherein the defendant may reside, and judgment shall be had agreeable to the laws of this State; and said magistrate or justice of the peace shall forthwith proceed to collect such penalty and pay it over to the party who by law is entitled to the same. In testimony whereof, both parties have hereunto set their hands and seals this 14th day of October, in the year of our Lord 1833.

## APPENDIX V.

AN ACT to incorporate the Society of Separatists of Zoar, Tuscarawas County.

SEC. 1. *Be it enacted by the general assembly of the State of Ohio, That Joseph M. Bimeler, John G. Grözinger, Jacob Syfung, Michael Fetters, Christopher Platz, John George Lepold, Solomon Sala, George Ackerman, Jacob Walz, Christian Hensler, John Neff, Lewis Birk, Philip Sell, George Ruof, Godfrey Kappel, Christian Weebel, Conrad Lebold, John C. Fetter, John Miller, and John Fogel, and their associates be, and they are hereby, created a body corporate and politic by the name of "The Society of Separatists of Zoar," with perpetual succession, and by their corporate name may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity in this State and elsewhere; may have a common seal, which they may break, alter, or renew at pleasure; shall be capable of holding property, real, personal, and mixed, either by purchase, gift, grant, devise, or legacy; and may sell, alien, dispose of, and convey the same; and the property and other concerns of the corporation shall be under the management and control of the trustees appointed for that purpose; and said corporation*



shall have power to form a constitution and adopt by-laws for its government, to prescribe the number and title of its officers, and define their several powers and duties; to prescribe the manner in which members may be admitted and dismissed, and all other powers necessary for its corporate concerns: *Provided*, That said constitution, by-laws, rules, and regulations be consistent with the Constitution and laws of the United States and of this State: *And provided also*, That the clear annual income of said society shall not exceed one thousand dollars.

SEC. 2. That the persons named in the first section of this act, or any three of them, may call a meeting of said society, by giving ten days' notice thereof by advertisement set up at the place of public worship in the village of Zoar, for the purpose of forming a constitution and adopting by-laws for the government of said society, and of doing such other business as may be necessary for the efficient management of said corporation.

SEC. 3. That the members of said society, or such numbers of them as by such by-laws shall be necessary, shall meet annually on the second Tuesday of May, at the place of holding public worship, for the purpose of electing officers of said corporation.

SEC. 4. That any future legislature may amend or repeal this act, provided such amendment or repeal shall not affect the title of any real or personal estate, acquired or conveyed under its provisions, or divert the same to any other purpose than that originally intended.

W. B. HUBBARD,

*Speaker of the House of Representatives.*

WM. DOHERTY,

*Speaker of the Senate.*

FEBRUARY 6, 1832.

#### APPENDIX VI.

AN ACT to amend the act entitled "An act to incorporate the Society of Separatists of Zoar in Tuscarawas County."

SEC. 1. *Be it enacted by the general assembly of the State of Ohio*, That so much of the second section of the act entitled "An act to incorporate the Society of Separatists of Zoar, Tuscarawas County," passed February sixth, one thousand eight hundred and thirty-two, as limits the clear annual income of said society to one thousand dollars, be and the same is hereby repealed; and the society are hereby authorized to receive a clear annual income of any sum not exceeding ten thousand dollars.

SEC. 2. That if said society, for any cause, shall not elect officers on the day specified in said act, then any five members of said society may order an election by giving at least ten days' notice by posting up printed or written notices of the time and place of holding such election in three of the most public places in the village of Zoar, one of which shall be at the place of holding public worship.

SEC. 3. The fourth section of the act, to which this is an amendment, be and the same is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

ELIAS F. DRAKE,

*Speaker of the House of Representatives.*

SEABURY FORD,

*Speaker of the Senate.*

FEBRUARY 21, 1846.

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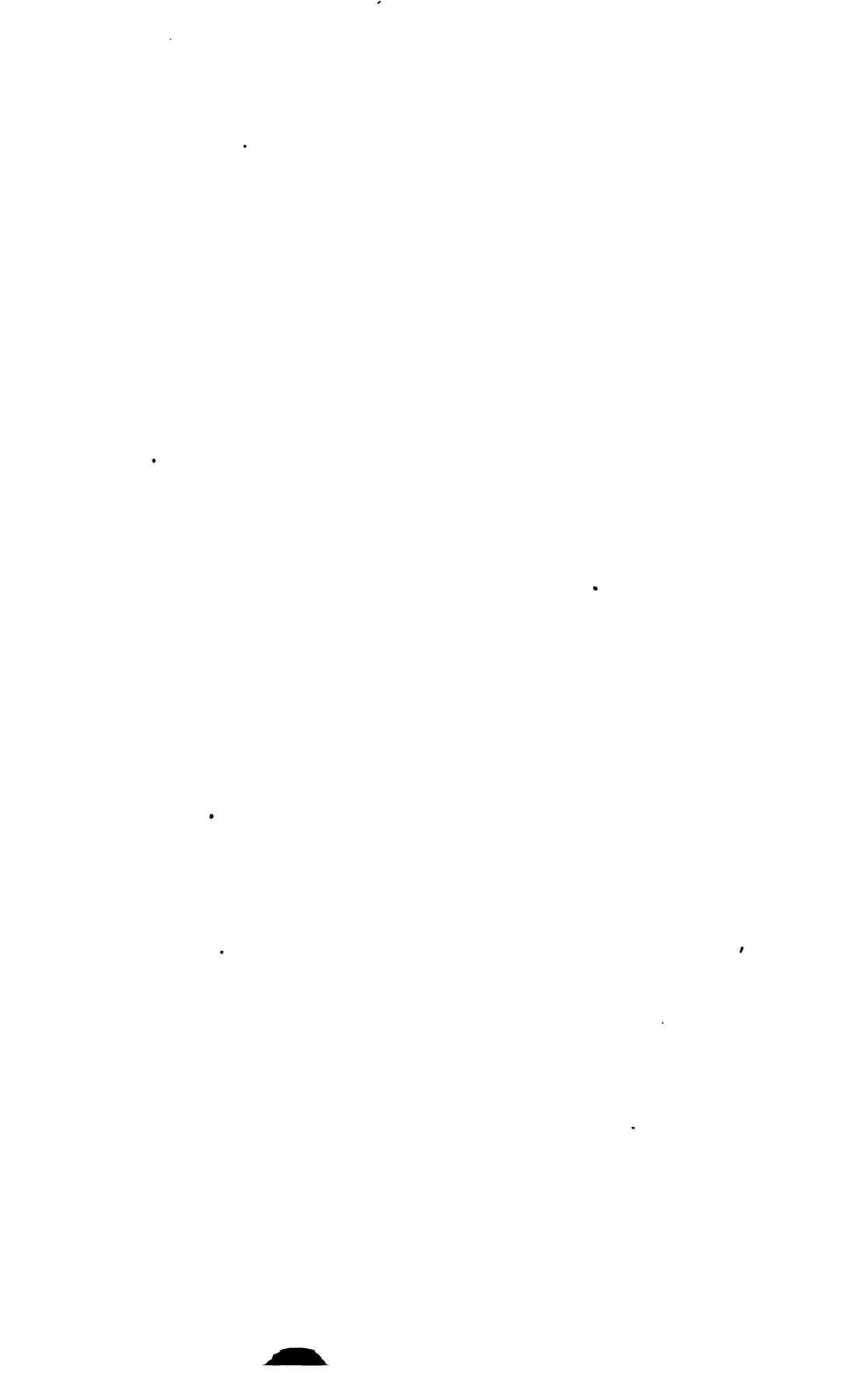
XI.—SOUTHERN ECONOMIC HISTORY: TARIFF AND PUBLIC LANDS.

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## SOUTHERN ECONOMIC HISTORY: TARIFF AND PUBLIC LANDS.

By JAMES CURTIS BALLAGH.

Three great questions arose in the national expansion of the United States from 1789 to 1860, primarily economic in origin and bearing, that marked the diverging interests of two great sections and threatened to disrupt the Union. They were slavery, tariff, and public lands, in which latter was included the question of internal improvements. Each of these questions passed from the economic to the political sphere for like causes, and in a manner strikingly analogous. They represented, one might say, different but related phases of a great material opposition which, when expressed in politics, appeared in its most aggravated and irreconcilable form.

Slavery, as first in time, and from the momentous ethical and social consequences involved, commanded so much larger a share of public attention that it alone remained, when the climax of sectionalism was reached, to figure in the popular mind as a direct issue in the war against secession. By its very conspicuousness it obscured the more indirect though powerful influence of the other two questions of tariff and territory. Temporary victories for the South in the matter of tariff legislation and in the distribution of the public lands and the proceeds of their sale tended to obliterate from general view these two factors as exciting causes of the impending dissolution in the period just immediately preceding the war, while after it the question of lands, previously involved in the territorial expansion of slavery, had lost all interest for the South. It fell with the institution of slavery. But two great problems left to the American and particularly the Southern people, the free negro and tariff reform, are legacies as well as causes of the old conditions, and have come to us in their present form as direct results of the war. As a war measure the slaves were freed, so as war measures were duties increased from the

comparatively moderate Morrill tariff of 1860-61 to an average of 37.20 per cent in 1862 and of 40.06 per cent in 1864, which have formed the basis of successive high tariffs to the Dingley bill. The failure of the Wells bill in 1867 was rightly taken by the party in power to mean that the war duties were to be not only retained, but advanced, and regardless of the temporary reduction of 1872 and 1883 when they still averaged 38 per cent they increased with the McKinley tariff to a maximum of 95 and 150 per cent on some articles. Both questions represent thus the projection, not at first designed nor foreseen, of a war policy into times of peace, and the subsequent conditions which have determined their present status are in a large measure the unanticipated, but almost inevitable results of material circumstances created during a period of warfare.

Under somewhat similar circumstances, Jefferson<sup>1</sup> and Madison<sup>2</sup> both, though most outspoken advocates of free-trade principles, were forced by circumstances to forego a full realization of their wishes, and consented to acts as war necessities that wholly abrogated the logical expansion of their doctrine. The necessities of a Federal budget as clearly led Madison to introduce, for temporary relief, the resolution of April 8, 1789, that resulted in the revenue tariff laid by our first tariff act July 4, 1789, as it led the Federal Congress to raise the comparatively moderate protective duties of the Morrill tariff in 1862 and 1864. But Madison was not the author of the clause enunciating the principle of protection in the preamble of the act of 1789. It was a concession<sup>3</sup> first suggested by Mr. Fitzsimmons, of Pennsylvania, and yielded by Madison in the hope of harmony. To save the bill he went even further as a peacemaker between the contending interests, and admitted to the list of specific articles protected far more than he had originally proposed or his section desired. In this way, and to catch the spring importations for an immediate and enlarged revenue, the measure in its final form was carried beyond the revenue proposition of 1783, on which it was based and which had been so zealously fathered by both Hamilton and Madison.

So, too, Jefferson, imbued with physiocratic and mercantilist doctrines, and yet a close student of actual American economic and political conditions, saw little hope in 1788 for the imme-

<sup>1</sup> See Jefferson's Report of 1793. Washington's Jefferson, VII, 637, 641, 647, 648.

<sup>2</sup> Annals of Cong., I, 107, 113, 116; Madison's Works, I, 466, 480; III, 42; Amer. St. Papers, I, 20, 80.

<sup>3</sup> Annals of Congress, I, 111, 112.

diate growth of manufactures. Yet at a later day he was not unwilling to admit such duties upon foreign articles as protected incipient commerce and incidentally encouraged domestic manufactures without laying a burden upon his favorite agriculture. Aside from personal and political feeling engendered by rivalry, his opposition to Hamilton's report of November 4, 1791,<sup>1</sup> which favored a bounty system for manufactures, was consistent both with his belief in a revenue tariff, where free trade was impossible, and his clear perception that Hamilton's plan as a policy of government was premature; that with the sufficient revenue existing higher duties were unnecessary, and that money and other bounties were ultimately a tax paid by the many to foster the interests of a few. In this opinion contemporaneous judgment bore him out by the postponement of the question raised to 1816, when actual conditions had themselves so far changed as to make such a policy not only rational, but desirable to a large constituency in several parts of the Union, and Madison and Jefferson alike accepted in a modified degree the doctrine of protection. Hamilton's economic policy was in this respect as far in advance of his time as his general theory of government, and was based not upon American demand, but upon British experience.

Ideas of free trade, tariff for revenue, and protective tariff were practically contemporaneous in our constitutional period. They were all freely expressed in the debates of 1789, but the serious application of one or the other as a permanent policy was an evolution. The sentiment of the fathers then need scarcely be appealed to to support this doctrine or that. There was, it is true, serious difference of opinion and underlying localism, but the general tendency of feeling was patriotic and it sought harmony by following the road conceived to be marked out by American interests, domestic and foreign. Hamilton and his school were no less patriotic because they interpreted this interest in the light of foreign experience, but they were less wisely patriotic in confining their proposed benefits to a class after a British model, and less practical in pushing a home policy that embraced but a single field and section of home interest, while it took no account of the pressing demands of American foreign relations. With Jefferson the outlook covered a wider range, the interests of the people who were a

<sup>1</sup> *Annals of Cong.*, 2d Cong., 1791-1793, 971, 973, 1001, 1000-1014; *Madison's Works*. In 1817 Madison considered it an honor to belong to protective society.

majority, as expressed in the three great forms of industry in the relative importance assigned them by past experience and exigencies present or in view. Supported by Washington and Madison, he was the first to fully outline what might now be called the American policy of reciprocity, at once an application of free trade and of protective principles. Jefferson's scheme was primarily a foreign policy, but it embraced the actual domestic situation. Agriculture, a foreign market for its product, the creation of an independent carrying trade, and incidental protection to home products absorbed the larger present and probable interests of the country.<sup>1</sup> Yet the propositions embodied in these two great reports of Hamilton and Jefferson, the one of which had consumed almost and the other more than two years in preparation, failed of immediate adoption through a political opposition led by the antagonistic authors.

But it was the principles of Jefferson's report on commerce that were first put into operation and helped to create those conditions under which Hamilton's policy might be feasible. This was due partly to popular, partly to influential backing, and partly to possible foreign events that had now become actual. As early as 1788 Washington, in a letter to Lafayette, forecast Jefferson's commercial policy of 1793 by predicting both reciprocity and retaliation in the form of closer reciprocal trade interests with France and of undoubted retaliatory measures against Great Britain so soon as the permanent government of the United States was established.<sup>2</sup> Jefferson's mind had gone a step farther. He saw in fostered commerce both a resource of defense and a productive industry. As a carrier nation, the United States would control not only her own products but those of belligerent foreigners, and at the same time form the nucleus of a merchant navy. Retaliation, as has been unjustly alleged, was not the keynote of Jefferson's policy. His report was a clear vindication of the doctrine of universal free trade, and as a step toward that for a national policy he was ready to see his Government take up the burden if joined by a single other power. Only when a foreign power refused to accept this programme, or to remove restrictions, was that other side of reciprocity, so-called retaliation, to be applied. Even here he viewed discrimination as but the necessary choice

<sup>1</sup> Ford's Jefferson, V., 27, 310, 510; Washington's Jefferson, III, 316, 317; Ford's Washington, XII, 424-426.

<sup>2</sup> Ford's Washington, XI, 254.



between two evils—ruined commerce and foreign ill-will—and of the evils he felt he chose the less. But the ultimate choice and responsibility rested not upon the United States, but upon the foreign Governments.<sup>1</sup>

The peculiar and exaggerated application given to this commercial doctrine by the course of European events in the struggle between England and France was Jefferson's misfortune rather than his fault. The restrictive legislation to which he and his followers were driven by similar extreme measures in the commercial aggression of England and France, and the war of 1812, are not to be regarded so much as the legitimate fruit of his doctrine under ordinary conditions as the inevitable consequence of the inconspicuous position of his Government in the family of nations, and the necessity of its sharing in the legacy of one of the greatest of modern European wars. In fact, the results of these events were almost the exact contrary of Jefferson's policy. The temporary encouragement to a neutral commerce did not prevent its subsequent decline and replacement by manufactures, stimulated and almost compelled by the high effective protection afforded by restrictive acts and by the war from 1812 to 1815. Yet, but for his policy, the destruction of American commerce and the absence of enlarged manufactures was certain. Both of these industries would have remained in the hands of Great Britain for some time to come; how long it is impossible to say. Nor is there any reason to suppose that reciprocity if peacefully applied with Europe in that day would have been less beneficial than has been claimed for reciprocity among American States in the present day, or between United States and Europe.

So much is sufficient to show the economic background of early divisions in domestic politics and how far foreign politics and economics were influential in determining the form in which a practical application of free trade or protective principles was possible. Economic demand, whether it could be recognized or not, was tending toward sectionalization, and neither the compromise spirit of Washington nor of Madison could eventually reconcile the theories of Hamilton and Jefferson, which were the offspring of such diverse interests and environment. Localism lay but half concealed under broad ideas of American patriotism. Sentiment but followed localized interests, actual or foreseen. To the people the real

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<sup>1</sup> Annals of Cong., II, 221, 222.



Jefferson was the apostle of agriculture and an agricultural commerce, the real Hamilton the apostle of industrialism and municipal centers of trade.

Divergent interests on the tariff, as on slavery, assumed importance as soon as the attempt was made to vest the General Government with powers by which these interests were subjected to the doubtful control of Federal legislation. In the debates of 1789 on Madison's proposition for a Federal revenue raised by customs, a tendency to divide on sectional lines was clearly apparent, and with difficulty controlled even by his spirit of patriotic compromise. On the broad general departure from Madison's programme, involved in the question of protection to infant industries, raised by Pennsylvania, a division showed itself between the staple agricultural States and the manufacturing and commercial. The South, with the exception of a part of Maryland, which was controlled by the industrial interests of Baltimore, opposed the policy; while Massachusetts, Connecticut, and Pennsylvania supported the doctrine. New York and New Jersey, as agricultural States with prospective commerce or manufactures, wished to temporize and postpone decision.

So, too, when the questions of what specific articles should be protected and what amount of protection should be given arose, a general sectional division was again apparent. Maryland joined the South in a plea for low duties, but split with it upon taxing articles of which she was not a consumer. Virginia and Georgia opposed a tax on steel as a bounty paid by consumers to foster a Pennsylvania interest. The assertion was openly made by the North that the South was making a selfish fight against protection because it conceived that the Middle and Eastern States alone would be benefited, because they were better suited to a manufacturing<sup>1</sup> development. In the case of salt and in manufactures from iron the South, as the chief consumer, objected to a tax which it regarded as a burden on agriculture to encourage the interests of the North; while Massachusetts, Connecticut, and eastern Pennsylvania admitted the fact of the burden, but claimed it could be avoided if the South would divert its trade from Great Britain in its natural and proper direction to her northern neighbors. The spirit of compromise, however, was strong on account of the pressing needs of the budget, and Madison, as a calm and

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<sup>1</sup> *Annals of Cong.*, I, III, 3, 121, 129, 133, 138, 139, 153, 155.

judicious umpire respected by both parties, had little difficulty in securing concession from all sides. The general principle, then, on which this tariff was accepted was that it was for revenue with incidental and moderate protection, and that only such articles should be selected for special protection by specific duties as were luxuries, and so would not involve a tax on the common people, and yet were of such general consumption as to yield a substantial revenue; and further, that unequal burdens as to one article should be so adjusted as to another that an average tax should fall equitably upon all the States, and that concessions from one section should be met by like concessions from another.<sup>1</sup>

The concession of a customs revenue to the General Government from the South was offset by the toning down of the protective claims of Massachusetts, Connecticut, and Pennsylvania on many of the articles till the duties were so low as to be virtually nonprotective. Yet subsequent dissatisfaction was not wholly allayed. When Hamilton, on January 14, 1790, began his famous series of financial reports, advocating governmental paternalism and what was viewed as class legislation, sectional feeling on the old lines showed itself more forcibly. In the following February a number of the States, led by Virginia, expressed their opposition to the whole theory of raising revenue by imposts, because, they said, it operated unequally and to the disadvantage of those States which were consumers. Capitalism existed but to a small extent, yet it was mainly confined to the North, and Pennsylvania, Connecticut, and Massachusetts were the only States that had given important encouragement to manufactures. Hamilton failed to recognize the compromise nature of the measures of 1789, and in his self-confidence overestimated his ability to direct an economic policy for the Government that opposed the wishes and violated the concessions of a large class of interests. His reports brought both people and leaders into political opposition, and the broad basis of party division was, for the first time since the Constitution, laid down. Madison and Jefferson, who objected chiefly to his third report, which was for a national bank, and to his report on manufactures, were convenient nuclei for concentrating this opposition.<sup>2</sup> From one point of view these economic policies were a means

<sup>1</sup> *Annals of Cong.*, I, 164, 169, 176, 371, 373, 375, 379, 380, 381, 642, 643.

<sup>2</sup> *Annals of Cong.*, II, 1894-1902, 2032; Gibbs, *Administrations of Washington and Adams*, I, 39, 40; *Letters of Phineas Bond*, *Amer. Hist. Assoc.* 1896, I, 651-654.

to an end—monarchical aristocracy and republican democracy; from another, they were an end in themselves, and strict or loose construction, state rights and nationalism, republican and federal parties were the means by which these and other material rights were to be gained and guaranteed.<sup>1</sup> Thus is explained the tendency of party lines to follow sectional interests, to which great leaders were themselves largely but an expression.

But not during this era of party strife, nor yet during the temporary supremacies of Federalism and of Republicanism, was the economic solidarity of North or South a fact. New Hampshire and Pennsylvania on one side and Maryland and South Carolina on the other fluctuated according to their economic interest. Of these South Carolina was the most consistent in following individual as opposed to sectional interests. With an enormous State debt, she had from the beginning joined the forces of Hamilton in favor of assumption, and in 1794 she supported the Federalists in their pro-British policy to defeat the commercial scheme of Madison and Jefferson, on the ground that she was a consuming State and her products sought a British market.<sup>2</sup> So in 1816, when Hamilton's economic policy, demanded now by large actual interests,<sup>3</sup> again came forward in the shape of a plea for continuance of the protective policy, South Carolina, by reason of the demands of her new product, cotton, still found her interests consistent with party loyalty and could afford to disregard the general interests of the non-manufacturing South.

Here again, as in 1789, a war debt and deficient revenues, as necessities to be met, supported the claim of protected interests. Some favored the proposed tariff because they saw it was necessary to consent to a limited protection in order to get an adequate revenue bill through the House. Calhoun, and the part of the cotton South he represented, accepted protection in the belief that it would extend the field of consumption for the raw products of the far South. A duty of 25 per cent ad valorem on cottons, it was hoped, would so check the importation of India cotton as to create a home market for the Southern product and enhance its value by enlarged demand.<sup>4</sup>

<sup>1</sup> Ford's *Washington*, XI, 415 note; Schouler, *United States*, I, 132-142.

<sup>2</sup> *Annals of Cong.*, II, 180, 183, 506, 507. France was her rival in the production of indigo, but in Britain it was admitted free.

<sup>3</sup> *Annals of Cong.*, 14th Cong. 1st sess., 960-967.

<sup>4</sup> H. C. Adams' *Johns Hopkins University Studies*, Vol. II, 29, 30; *Annals of Cong.* 1816, 1st sess. (See Calhoun's argument for the exigencies of another war, and the debt also.)

New England was divided in her sentiment, according as her commercial or manufacturing interests were involved. Her shipping interests stood with the general South—the carrier of whose exports she was—against the tariff, as the limitation of trade involved in a high tax on cottons and woolens was a direct blow to her commerce. Boston merchants petitioned against the act, and Webster was induced to demand a reduction to 20 per cent.<sup>1</sup> But Ward, of Massachusetts, who represented the manufacturing interests, demanded their permanent support by high tariffs, and accused Webster of not favoring the doctrine of protection, but wishing merely to offer a temporary bounty to manufacturers. Clay took the same position, and first brought the West, as represented by Kentucky, into line with the Middle States as favoring protection. Clay based his argument on patriotism, the home-market theory advanced by Hamilton; but it seems that Kentucky had growing manufacturing establishments worked by slave labor, and her interests were involved.<sup>2</sup>

The tariff of 1816 then was still not definitely sectional, but it showed an increasing sectional tendency. Like all the early tariffs, until after the thirties, it was pressed by the Middle States of the North and by the West in the interest chiefly of manufacturers as opposed to commerce and agriculture. Some Southern members came out strongly against it on the ground that it favored “the manufacturers of the North, of the North and Middle States, more than those of the South.” The localization of manufactures, which Madison in 1789 could not foresee, was beginning to make itself felt. Robertson of Louisiana declared that the tariff was partial, and did not protect sugar in proportion to cotton and other manufactures. Ross of Maryland attacked it with the physiocratic argument of the South, that protection to the manufacturer was contrary to the true policy of the Government, which ought to encourage agriculture as the basis of wealth,<sup>3</sup> reverting here to the plea against Hamilton in 1791. But the chief opponent of the bill was John Randolph of Virginia. He was supported by Telfair of Georgia and Wright of Maryland with the stock argument of the South. He tried to have the bill postponed indefinitely, and, when he could not accomplish this, to kill it when it came up for final passage on the 8th of April, 1816.

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<sup>1</sup> *Annals of Cong.* 1st sess., 1816, 1137.

<sup>2</sup> *Ib.*, 1271.

<sup>3</sup> *Ib.*, 408, 407, 1272, 1273; 2d Cong., 1791–1793, 972.

He spoke for three hours against the bill and the policy of protecting manufactures at all, and especially against high tariffs as bounties to a few and a tax on the community. He was followed in the same strain by Telfair and Wright.<sup>1</sup> The bill passed the House by a vote of 88 to 54, but it is most significant of the attitude of the South that 40 of the 54 opposition votes were given by Southern members.<sup>2</sup>

By 1820, as far as the part of the South represented by Calhoun was concerned, a distinct change of sentiment had taken place. The tariff of 1816 had not extended the market for Southern products to the great extent that was hoped, and the tariff now demanded was clearly in the interest of Pennsylvania, the Middle North, and the West, the grain and manufacturing interests, and was an indirect tax upon the staple States through their imports. The duty particularly upon rum, brandies, iron, and molasses, it was argued, was paid by the Southern consumer. Consequently the South almost unanimously opposed the tariff bill introduced by Mr. Baldwin of Pennsylvania. Only four Southern members out of fifty-eight who voted supported the bill.<sup>3</sup> So striking was the sectional vote of the South on this bill that public sentiment viewed it as next in importance to the vote on the Missouri Compromise of the same year. The connection of slavery with free trade was not mentioned in the debate, but the common interest and action of the South on both questions was so clear as to leave no doubt in the minds of any as to her future policy. The connection was not that one depended upon the other, but that both were demanded by a system of expansive agriculture. The Northern votes against the tariff now all came from New England. Several on the tariff of 1816 had come from the Middle States of the North and several from the West.<sup>4</sup> These represented chiefly the carrying interest of New England still identified with the South. As a whole, however, New England voted for the tariff 19 to 14, and Massachusetts 10 to 6.

Another ten years, and the overshadowing growth of manufactures as compared with commerce brought all of the New

<sup>1</sup> Niles Reg., 10; 110, 111.

<sup>2</sup> Annals of Cong., 1st ses. 1816; 372, 373, 1351, 1352.

<sup>3</sup> Niles 18; 169, 178; Tennessee, Mississippi, Alabama, and Louisiana were unanimous against it, and Virginia, North Carolina, South Carolina, and Maryland lost only 1 vote each from their industrial sections.

<sup>4</sup> Six out of 14; Pennsylvania gave 2, New York 3, Kentucky 1.

England States into line with the protective policy, but the South took a position of opposition on the tariff of 1820 which it consistently maintained in the period before the war and has not yet abandoned. The theory was that as staple States they must rely chiefly upon a foreign market for demand and exchange. As buyers they paid the tax which protected the manufacturers of the North. Their surplus was wholly an export surplus, while that of the agricultural North and West found a home market stimulated by growing manufactures. The South now abandoned any hope that may have remained in 1816 of competing with the North in either commerce or manufactures or of becoming anything but an agricultural section. This is shown by the urgent demands from Virginia and North Carolina, after the bill passed the House for engrossment and a third reading, for the creation of a committee of Congress on agriculture to protect their interests, as the committees on commerce and manufactures protected the interests of the North.<sup>1</sup>

From 1820 to 1830, when sectional opposition became fully crystallized between North and South, both the tariff and slavery tended to pass from the sphere of economics more distinctly to that of politics, and, aided by the irritation and intolerance provoked by the dogmas of nullification and abolition proclaimed during the next few years of political ferment, the transition was effected. Protection grew steadily in disfavor at the South as it grew in favor in New England. The increase of duties in the bill of 1824 and the so-called "abominations" of the tariff of 1828 met with the most determined resistance from the South. The Solid South had become a fact.<sup>2</sup> The actual reductions of 1832, which brought the tariff in principle back to the regular methods and lower duties of the bill of 1824, were thought to have been thrown as a sop to Southern members to quell the opposition. It had, however, just the opposite effect. The South saw that it was designed to perpetuate the protective policy by getting its agreement to a comparatively moderate tariff. It prepared at once for resistance. Calhoun, who had advocated on the same basis as Webster the slight protection of the act of 1816, had since 1820 believed in the sectional working of the tariff. He was in 1828 the undoubted leader of the South. His opposition

<sup>1</sup> Niles Reg. 1820; 169, 170, 178, 180; Annals of Congress, 1820, 1st sess., vol. 2, 1663, 2139, 2171.

<sup>2</sup> Tausig says the South "practically without exception opposed them" (pp. 75, 98).

led South Carolina to a nullification of the acts of 1828 and 1832, and gave an opportunity for his famous elaboration of the State-rights theory. Nullification was not secession, as Calhoun said, but it was both the logical and historical precursor of secession.<sup>1</sup> Calhoun's, not Jefferson's nor Madison's, expression of the doctrine of State rights dominated the political theory of the South from this time forth to the war, and was the theoretical basis of secession.

In this way, then, the tariff is as directly connected with the war as slavery. Both were expressions, in different forms, of a real economic divergence. Both were causes that made State sovereignty the paramount issue of the war. The issue of protective tariff lost much of its political importance through the determined stand of South Carolina, which so far gained her object as to abrogate the act of 1832 and force the lower duties of the compromise of 1833. From that day up to the act of 1857 the general tendency was to realize the wishes of the South in approaching a free-trade ideal. Excepting the four years, 1842-1846, when the Whigs were in power and restored high tariffs, there was a constant tendency to reduction, and the act of 1857, in force until 1861, was the nearest approach the country has had since 1789 to a revenue bill based on the free-trade principles of the Democratic party. Consequently tariff itself had lost much of its importance as a sectional issue until it was unhappily revived by the Morrill tariff of 1860-61.

This measure was introduced into the House on the 12th of March, passed over the almost solid opposition vote of the South May 10, 1860, and at once sent up to the Senate. This was more than seven months before the movement for secession passed its first crisis at the South. From its first admission to debate on the 15th of June till the close of the session, June 25, and the return of members to their constituencies, the attitude of the Senate was viewed as hostile to the wishes of the South. No probability of a compromise by a substitution of the tariff of 1846 for that of 1857, offered by the South, seemed likely to be accepted, and both in the House and in the Senate during the Thirty-sixth Congress the sectional and harmful tendency of the Morrill bill was freely discussed by Southern members. Barksdale, of Mississippi, and Houston, of Alabama,

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<sup>1</sup> South Carolina said in attempts to enforce the nullified laws would drive her out of the Union and force her to become a separate government.

did all they could to delay and indefinitely postpone the measure in the House. It was declared by Hunter, of Virginia, and Toombs, of Georgia, and other Southern Senators to overthrow the free-trade principles adopted in the free list of the tariffs of 1857 and 1846, and by the substitution of specific for ad valorem duties to be a tax upon the consumption of the South for the benefit of the manufacturer of the North. It went back to the House with over 100 Senate amendments and was passed by a strict party vote.

It was this principle of taxation without representation, so claimed by the South, that was presented to Europe as the chief cause of secession, and gave to Mr. Seward one of the most difficult arguments to be met in his foreign diplomacy. The free-trade principles of the South were vindicated by the practical proposition, both to foreign powers and to the United States Government, from the Confederacy to put them into actual operation. No tariff was to be levied except on merchandise, and this was to be scaled down to the necessary demands of revenue.<sup>1</sup> The South declared that she would for years to come remain agricultural, and that she would exchange on the freest terms for the manufactures of Europe and the North.

Since the war the position of the South on the tariff has been controlled largely by conditions similar to those before the compromise. It is the agricultural interest that has consistently maintained the demand for tariff reduction, and as industrialism advances the tendency to break permanently the solid South increases. Here, however, the continuance of negro labor, on its social and political as well as on its economic side, presents a conservative and retarding influence, preserving a dominant agriculture and a solidarity of political feeling.

The land question as an expression of sectional divergence was developed by the same economic and political interests that controlled the co-related questions of slavery and the tariff. Its connection with slavery was vital. The economic success, and hence the life of that institution, was bound up in the possibility of land limitation or in restrictive methods of expansion. With the tariff it was a means by which sectional

<sup>1</sup> Congressional Globe, 1st sess. and 2d sess., 1860-61, 154, 328, 329, 333, 444, 536, 1115, 1116, 1123, 1432, 1862, 2054, 2056, 2062, 3009, 3010, 3017, 3024, 3032, 3187-3189, 3190, 3191, 3194, 3195; Diplomatic Cor. C. S. A., Vol. I, p. 120; Toombs to Yancey and Mann, March 16, 1861; to Mason, September 23, 1861; Hunter to commissioners, September 23, 1861, and February 8, 1862; Seward to Adams, 1861; Parliamentary Debates, vol. 163, July, 1862.



legislation might regulate industry to the disadvantage of the peculiar system of expansive Southern agriculture. As this agriculture was promoted by an approach to free-trade ideals and by the lateral expansion of the field of slave labor, so it was enhanced by the solidarity of agricultural interests assured by the extension of the system of the Southern Atlantic States into the territory of the Southwest. A superabundant revenue, raised either by high tariffs or by sales of public lands, was but an invitation to a selfish squabble for an unequal division of the spoils, to be decided in the interest of the section which had a predominant representation in Congress. Solidarity of interest and equality of representation alone would force the hand of the General Government to distribute without discrimination its burdens and privileges between the sections. Such was the broad economic theory that lay behind the action of Southern politicians and gave force to their resistance of Government assumption of such State rights as involved material interests.<sup>1</sup>

In the acquisition of territory, the creation and settlement of the public domain, and in the distribution of the surplus raised by the sale of public lands the economic demands of the sections, now about to be enlarged by respective additions from the West, opened a field for political influence to shape conditions that would make the projection of sectionalism inevitable. In the creation of the first public domain both Virginia and Connecticut made reservations that opened the possibility of the introduction of opposing agricultural systems into the Northwest. New Englanders, however, joined with Jefferson, of Virginia, in the exclusion of the discordant element of slavery by the sixth article of the ordinance of 1787, leaving the system of the North in virtual ascendancy, since neither the labor system of the South, nor its crops, nor its overflow of white and black population, would thenceforth have equal opportunity for competition in the new region. The eventual effect that this would have upon the profitableness of the Southern system within its own area by congestion and, more particularly, the serious disturbance it might and eventually did produce upon the balance of power in Congress, were not wholly unanticipated by the contemporary South. This is

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<sup>1</sup> No resistance was made by the South to the loose construction theory by which Jefferson purchased Louisiana, but the opposition came from the section that had previously supported this very doctrine.

shown by the fact that the proposition when it came in its original form from Jefferson in 1784 was voted down by the South. The compromise spirit of 1787 and the ascendancy of Jefferson's ideas in 1805 and 1807 (when Indiana Territory, comprising all this area, with the exception of Ohio, petitioned almost unanimously for a suspension of the clause for its own economic benefit, suffering as it was from small settlement by the South<sup>1</sup>), but more especially the promising future of the South in the Southwest and in the new Louisiana purchase, may suffice to explain why it submitted so easily to the exclusion of the labor factor of its system from the Northwest.

But another factor, less apparent though equally subtle and far reaching in effecting the exclusion of the South, was the modes of settlement proposed and adopted in dealing with the public domain. As early as 1785 the North proposed to establish the policy of selling the lands by what was called a "clean riddance." Land was to be sold only as settlement advanced, and new tracts were not to be opened until the old were sold. This was a practical bar both to scattered settlement and to engrossment and retarded population and, probably for these reasons the Virginia delegates, Madison and Glasgow, led the South in opposing the principle and had it struck out. Rapid western extension, vacant lands, and the engrossment were the features that harmonized with the land system of the South and favored its extension. A victory over continued engrossment had been won by the North in that provision of the ordinance of 1787 which divided intestate estates equally amongst heirs in the New England fashion.<sup>2</sup> The so-called rectangular system of distribution of public lands, evolved gradually by law from 1785 to 1814, proved a still stronger influence in favor of the general Northern method of settlement. The system introduced was a striking analogue of Roman methods of dealing with public lands and presented the same contrasts and advantages to the typical Southern system that that of Rome did to the systems of the Kelts and Saxons. North and south meridians 6 miles apart were cut by parallels east and west at a like distance, making townships 6 miles square, which were subdivided into sections of a mile square, or 640 acres, and these in turn into half and quarter sections, and finally, in

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<sup>1</sup> Jeff. Davis's Confederate Government, I, 8, 9.

<sup>2</sup> Benton, Thirty Years, I, 132.

later years, into eighths and sixteenths of sections.<sup>1</sup> Thus was reproduced the checkerboard appearance and convenient access made possible by Roman boundaries in striking contrast with the irregular patchwork and distorted lines of communication common to the American colonies.

The intent of the system was twofold: to prevent irregularity of settlement, the great bane of State methods particularly in the South, and the consequent confusion of titles by conflicting boundaries. This latter it did prevent, but it failed to secure regularity so long as a credit system prevailed and location within the surveyed area was allowed to follow the quality of the land. The principle of survey before purchase, early adopted by the land office, was a check upon indiscriminate location and subsequent engrossment of contiguous areas, so common in the practice of the Southern States, but engrossment by first purchase or subpurchase was not specifically discouraged, except by high prices, until 1820. The large accumulations by companies and individuals to be used speculatively under the credit system, and its retarding effect upon settlement and revenue proceeds, soon led to the encouragement of small actual settlement and the process of subdivision of sections, which put a small acreage within the purchase limit of the poor farmer. This began in 1796 and was continued in 1800, 1804, and 1820, when the cash basis and reduction in price from \$2 to \$1.25 per acre in lots as small as 80 acres, distinctly fostered actual settlement on small holdings, "with a deed in fee from the Government."<sup>2</sup>

From this time forward the laws as applying both to the Northwest and to the Southwest were felt to have a distinct

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<sup>1</sup> The system was gradually developed, townships composed of 640-acre lots were employed by the board of treasury till 1785, half sections in 1800, but in 1796 the substance of the system was outlined in the act of May 18. Lands at this time were sold in blocks, townships, eighth sections, sections, and half sections, and in 1804 in quarter sections, and in 1820 in half quarter-sections. The influence of Roman practice through Holland is traced by Mr. Austin Scott to explain the idea. De Witt says Jefferson originated it in his proposition for rectangular states 100 miles square. By others it is assigned to the plans of Penn in Pennsylvania, and the sections show some analogy in acreage to North Carolina grants. Fractional sections formed by navigable rivers or Indian boundary lines were the only exceptions. Pub. Land Commission, 1880, 170, 197, 198, 200, 201, 205, 468.

<sup>2</sup> Public Land Commission, Ex. Doc., 3d sess., 46th Cong., 1880-81, Vol. 25, 197, 198, 201, 202, 205. Three sales were made under special laws. The Ohio company, under name of Winthrop Sargent and Manasseh Cutler, bought, in 1787, 822,900 acres in Ohio on the Scioto and Ohio rivers, at the low price of \$1 an acre, with less than a third cash, and in 1794 John C. Symmes bought 248,500 acres near Cincinnati for \$165,943, and Pennsylvania bought 202,187 in Erie County, Pa., at the same price, 66½ cents, and paid this in part by military warrants.

sectional bearing. The South claimed that the North had attempted to establish hard terms of sale by fixing an arbitrary and high minimum for all qualities of land and by refusing donations to settlers. The object was on the one hand to prevent speculation and insure actual small settlement, and on the other to make the lands a source of revenue for the Government, which might be expended on internal improvements, of which the North and West, by their Congressional majority, would reap the greater benefit. Hayne, of South Carolina, in 1830, even went to the extent of accusing Webster and New England of a deal with the West after 1823, on internal improvements, in order to capture the Western votes for the tariff.

When the Foot resolution of December 29, 1829, which was apparently a harmless inquiry as to what public land remained unsold, and whether the old system should be extended or limited, was introduced it was construed as an attack upon the South.<sup>1</sup> The South had consistently stood for gratuitous grants, and when these were refused, for liberal terms, proposing gradual reductions from \$1.25 to 30 cents an acre. Hayne even advocated the old loose system of the Southern colonies for distribution, fee simple grants for nominal payments, and advanced the liberal policy of Spain, France, and Canada in support of his doctrines.<sup>2</sup> The contention of the South was that this would encourage actual and rapid settlement, but what was more important, it was certain to extend the main features of the Southern system to new territory at the same time that it tended to reduce Government revenue and its possible sectional distribution in internal improvements.<sup>3</sup>

Tariff and sale of public lands were the important sources of national income. From the tariff between 1825-1827 a net revenue averaging yearly \$21,618,103 was returned, and the yearly sales of public lands was something like \$1,500,000 more, while the expenses of the Government, military, naval, and civil, were but \$13,000,000 a year, and \$1,000,000 of this went into internal improvements.<sup>4</sup> With the extinction of the national debt contemplated from past excess of appropriation over the stated sinking fund of \$10,000,000, and with expenses

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<sup>1</sup> Benton, *Thirty Years*, I, 289.

<sup>2</sup> Benton, I, 289.

<sup>3</sup> Benton, *Abridgement of Debates of Congress*, X, 418 et. sq.

<sup>4</sup> *View of United States*, 506, 507, 535, 537, 539.

reduced to an anticipated \$9,000,000, while the revenues from the public lands and duties increased, Congress in 1829 might well include in its "cardinal measures of policy" "great and lasting works of public improvement, in the survey of roads, examination for the course of canals, and labors for the removal of the obstructions of rivers and harbors, first commenced by the act of Congress of 30th April, 1824."<sup>1</sup> By this act a board of military and civil engineers was authorized to make surveys and estimates for such roads and canals as were thought by the President to be of national importance for mail, military, or commercial purposes. This board of internal improvements was continually employed, under this and subsequent acts, by the application of States or individuals, in devising plans for roads, national and local, canals, harbor and river improvements, piers, and matters of no national importance at all, which only by an exaggerated interpretation came within the language of the law. Up to January 1, 1830, estimates or surveys for some 142 different works, 60 of which were in the Northern States, 44 in the West, and 38 in the South had been submitted. The South was apparently behind, not only in number, but in the expenditures for purely local purposes; consequently the question of internal improvements and of public lands upon which it depended tended more strongly to pass into sectional politics.<sup>2</sup> Another link which joined the South to the West, intercommunication, was threatened.

The constitutional right of the Federal Government to exercise this broad power of improvement must consequently be denied, and now for the first time in the debates on Foot's resolution in 1830 was occasion offered for the full elaboration of the theoretical divergence of North and South in constitutional interpretation. Thus both Hayne and Webster sought to establish in the highest law of the land a bulwark for the integrity of sectional interests. But in the question of Western lands and extension of settlement, as in slavery and the tariff, the bitterness of sectional jealousy was calmed for the time by mutual concession. Here, too, the struggle resulted in a compromise, the preemption right,<sup>3</sup> which sacrificed the point of Government revenue for the principle of actual and restricted settlement. Calhoun antagonized Clay's preemption bill, saying that it encouraged speculation and nonsettlement, and professed that he was the friend of the small holder, which

<sup>1</sup> United States, 535-542.    <sup>2</sup> View of United States, 489-505.    <sup>3</sup> Public Land Comm., 214.

was true so far as rapid settlement of the Southwest tended to increase Southern representation in Congress, but nobody took him seriously. He advocated retrocession of the public lands to the States in order, he said, merely to get the question out of Congress, where it consumed at least a third of the whole time of debate, and to relieve the Government of the ownership and administration of public lands. His interest seemed deeper than this. Retrocession to the majority meant that the lands could, regardless of contract, be distributed in the Southern method, and that Federal revenues alone would suffer. Yet Calhoun was willing to concede to the Government 65 per cent of the gross sales in order that no deficiencies might arise to favor an enlargement in the tariff. For this reason, too, he opposed the Whig programme of distribution of surplus to the States, for here the North, which had contributed little or nothing, would share equally if not out of proportion to the South, from whom gratuitous titles to a great body of the land had come, and whose it rightly was if separate States and not the nation were to be considered. To nationalize such a portion of the revenue as would prevent either a large surplus or a deficiency, prevented the tax discrimination against the South involved in a protective tariff, at the same time that it diverted the career of local internal improvements into projects of national import, like the Navy. The whole plea was, however, in fact distinctly sectional on both sides, and it was in this light that Calhoun in 1841 viewed the public lands as, next to the tariff and currency, the most dangerous and difficult of public questions. Retrocession was a practical bonus of something between 13 and 22½ per cent of gross proceeds to four States of the South and five States of the West. It was proposed as another tie to bind the interests of the South and West, and to counteract those greater impulses of Northern immigration and development.<sup>1</sup>

The sectional issue came to its logical conclusion in 1859 in the homestead movement which Seward advocated against the South and her demand for Cuba. This movement was first started by a radical paper in 1833 as a special measure against land monopoly. Consequently it easily grew into an anti-slavery measure when taken up by the Freesoilers and by Seward in Congress, and when finally passed in 1860 the North

<sup>1</sup> Calhoun's speeches, 402-405, 416, 417, 435-437, 455. But the old South, not immediately benefited, preferred to compromise with Clay to secure a low tariff by accepting distribution.

had scored another victory in the question of land as related both to slavery and the tariff.<sup>1</sup>

In these final debates of a united Congress was clearly disclosed the vital separation of sectional interests that bound these economic questions together and made them, singly or united, the themes and chief occasion of partisan harangue. The minority opposition to the Morrill tariff in the House was practically the same that had struggled against the homestead bill. Branch, of North Carolina, who tried hard to kill both bills as sectional, said, when Morrill reported his measure, March 12, 1860, that the passage of the homestead bill, which had just been accomplished, was "iniquity enough for one day." Both were consistently opposed by the Southern contingent, and more than once the effect of such legislation on the disturbed state of the Union was pointed out. Of the 65 votes against the homestead bill, 53 came specifically from the South, and of the remainder 8 came from Kentucky, 3 from Missouri, and 1 from Indiana; and 41 of these votes were identical with those cast against the Morrill bill when passed, May 11, 1860, by a vote of 105 to 64. Not a Northern vote was cast against the homestead and but two (from New York) against the tariff bill. The South viewed the homestead bill, regardless of denial by its sponsors, as a revenue measure as well as a blow at the extension of Southern interests into the West.<sup>2</sup> The economic line of division between North and South had been effectively carried to the Mississippi and, in a few regions, even beyond. But here the South had long been losing ground and hope, and consistent with her historic doctrines of expansion had since 1841 looked far afield to Cuba, a region of identical economic interest, to support her system and succor her waning power in Congress.<sup>3</sup> With the admission of California as a free State in 1850, which disturbed the balance and forecast disunion, she turned more definitely to this program.

Upon the broad question of territorial expansion itself, owing to its bearing upon sectional interests, an issue had for many years been raised. In the public domain ceded by respective States to the General Government in the Northwest and Southwest the doctrine of expansion was not involved; nothing was added to the actual limits of the United States,

<sup>1</sup> Seward, IV, 50.

<sup>2</sup> Congressional Globe, 1st sess. 36th Cong., May to June, 1860, 3187-9; March to April, 1860, 1115, 1116, 1982.

<sup>3</sup> Cong. Globe, 2d sess. 36th Cong., pt. 1, 485, note.

territory had but changed masters, and, beyond the effect of different methods of dealing with this land, no question was raised between North and South, however jealous had been the attitude of the large and small States in its creation. But with the acquisition of recognized foreign territory in the Louisiana and Florida purchases, in the annexation of Texas, in the additions by the treaty of Guadalupe-Hidalgo, and by the Gadsden purchase, and in the demand for Cuba, regardless of a certain analogy in charter rights and foreign title of much of this as to the former land, first acquired from France and then from Great Britain, a new principle was felt to be involved. The agent was now a Government bound by the limits of a definite common constitution, whose authority might be invoked to safeguard diverse sectional interests.

It is curious to see in the present day the almost complete change of relation, as far as sections are still concerned, to the question of territorial expansion, governed now as it was in the early days largely by economic interest, and dealing with the constitution now again as an organ of convenience. The special application of the doctrine as at present proposed throws the economic system of the South into a field of competition, while to that of the North extension would prove almost the complete complement. Consequently parties have shifted ground and argument. In former days expansion was conceived as the guaranty of Southern interests as it threatened those of the North. The continuance of slavery as a profitable form of labor within the old limits depended upon an extension of the area for the absorption of its surplus. The same was true of expansive Southern products, and particularly of cotton, whose future seemed bound up in slavery. The control of new regions, made certain by the extension of this system, would confer that predominance in the councils of the nation without which the South believed its interests to be unsafe.

Besides these facts, inimicable to Northern sentiment and interest, the struggle to maintain equality or predominance in new regions was a drain, not of a natural or general labor surplus of the North, but of the agricultural surplus upon which industrialism was dependent for profit and extension. It might even go further and threaten, by scarce and costly labor, the existence of the productive industries, cutting off all expansion of the intensive margin of labor, while immigration was



drained to new fields of agricultural exploitation. Such were some of the arguments, advanced from time to time, that brought the sections into opposition on the general question of expansion. The slow or rapid, regular or irregular, modes of distributing the public land, the high or low prices to retard or encourage settlement, and the long struggle after 1820 for the exclusion or admission of a certain class of settlers, which finally passed into all the bitterness of the territorial question, were but the specific means used to defeat or extend sectional benefits gained by the victories of territorial acquisition. On the general point so far the South had consistently won, even at the risk of secession by the opposition, but the fruits of victory were denied her in most of the region west of the Mississippi, and lessened even on the east, by successive defeats on specific modes of settlement. Cuba thus presented a forlorn hope and the last point of attack, which, if successful, might tend to restore the balance. But here there were several features, new to the former question of expansion, to complicate the action of both sides—the greater danger of foreign entanglement, the need of a navy to protect an insular possession, and the domestic question of the addition of actual slave territory.

The history of the Cuban question goes back almost to the days of the Louisiana purchase. By 1809 and 1810 both Jefferson and Madison were in favor of this further application of expansion, which was now to set the limit of insular acquisition, on the theory that it should not go where the need of a navy for its possession was apparent; and Cuba to them was as much a part of the mainland as Florida, and with it formed the mouth of the Mississippi. By 1822–1826 Calhoun, Randolph, and Brent of Louisiana, more definitely favored annexation, or the guaranty of Cuba to Spain, by which alone the cause of slavery would be saved, while Adams and Clay preferred independence, which peacefully freed the slaves, to either, yet joined the South in opposing foreign interference by European or American states that would raise a danger of servile insurrection and its spread to the Southern States. It was chiefly Southern influence that agitated the question of purchase from 1841–1848 and equipped the filibustering expeditions of 1850 and 1851, in the face of Whig opposition to the whole general programme of annexation or independence, except without slavery.

By 1853 the acquisition of Cuba had become a specific part

of the theory of expansion proposed by the dominant Southern Democracy, already victorious in the Mexican treaty and the Gadsden purchase. It resulted in the "Ostend Manifesto" of 1854 and in the presentation by the South to the Senate, in 1859, of a definite plan for the annexation of Cuba by purchase. This measure of Slidell's was met by ridicule from the North, and by the jocose proposition of Mr. Hale, of New Hampshire, to divert the proposed appropriation of \$30,000,000 for the annexation of Canada, which he would guarantee could be done within ninety days. So strong was the Northern opposition to the bill, led by Mr. Seward, of New York, that by the adoption of filibustering methods, endangering an extra session, the minority were able to force the withdrawal of the measure, though Slidell threatened to reintroduce it on the first day of the next session. With secession, and the necessity of foreign alliances, the Cuban policy of the South completely changed, the Confederacy protesting to Spain that although it had formerly desired this territory for a balance of power, the need of it was now gone, and she had no further wish than to see it guaranteed to Spain. By the result of the war as to slavery Cuba became a matter of indifference to the South as it rose in importance to the North from the interests of trade and labor involved by the course of insurrection, leading finally to the theory of intervention,<sup>1</sup> and its positive exercise in the war with Spain.

It was the younger daughters of the Union, the cotton South, those who came to her either from State or national domain, that were first to follow the lead of South Carolina in putting into effect that extreme application of the theory of State rights, secession, as the last resort to vindicate those practical rights common to the planting States, the most immediate of which was the demand for unlimited territory for cotton. Mississippi quickly followed, on the 9th of January, the withdrawal of South Carolina, December 20, 1860, and on the 10th of January, 1861, she was joined by Florida, and on the 11th by Alabama at the dictation of the Senatorial coterie from the cotton States. Their representatives in Congress, however, lingered on in the hope of some final adjustment through the various measures of compromise suggested from several directions, and

<sup>1</sup> Amer. Hist. Assoc., 1897, Callahan, 197, 198, 204-207, 210, 211; Latané 220-222, 228-233, 236, 240, 250, 252, 253, 274, etc.; Congressional Globe, 2d sess., 1858-59, 227, 538, 540, 541, 904, 909, 1385.

particularly from the borderland of the West. The one of these that found most favor from the South was that of Mr. Crittenden, of Kentucky, who proposed a division of territory between the sections by a restoration of the Missouri Compromise, extending the line of  $36^{\circ} 30'$  as a boundary to the eastern border of California. This gave the North over 900,000 and the South 285,000 square miles, a ratio of more than three to one in favor of the North; yet notwithstanding the probable perpetuity of the social and landed Northern interests, and despite the fact that it yielded from the South rights that might have been claimed under the decision of the Supreme Court, it found no decided favor from the North, as it involved progressive concessions whose ultimate effect was not certain, and it was rejected by the solid opposition of the Northern members of the Senatorial peace committee of thirteen with the help of Toombs and Davis from the cotton South.

In 1783 the territory of the States north of Mason and Dixon's line comprised but an actual 164,000 square miles against the claim of those south of it to some 600,000, but by the northwest cession of Virginia the proportion was changed in favor of the North by the difference between 425,000 and 385,000 square miles; and the acquisitions of Louisiana, Florida, Oregon, Texas, and the Mexican lands had been so dealt with that the proposed compromise would leave the North in the possession of twice the area of the South, 2,200,000 to less than 1,000,000 square miles. The Crittenden compromise asked but for the recognition of fact as far as slavery was concerned, as it existed to the south of the proposed line and was excluded from the region north. But the question involved far more than human freedom or even of slave labor and free labor. It was the whole system of which they were a part and which determined the economic and political affiliations that controlled the interests of the old sections.

At best its adoption may but have tided over a crisis and postponed the question till further territorial expansion. But its rejection by the committee of thirteen, December, 1860, and its substitution, after the opposition of Toombs and Davis was withdrawn, and the people from various sections, together with the President, had expressed approval, by a resolution of Mr. Clark, of New Hampshire, on January 16, condemning secession and asserting the self-sufficiency of the Constitution to deal with existing exigencies only irritated the Southerners

by its implied threat of coercion and showed them the folly of looking for effective compromise satisfactory to both sections. Consequently the Senators of the seceded States withdrew from Congress on the 21st of January. Almost immediately afterwards Pennsylvania, who claimed to have suffered most from the long Southern domination which had consistently attempted to restrict her manufacturing interests, held out the olive branch of peace by proposing to resurrect the Kentucky resolution she had so lately helped to defeat. But it came too late for either North or South, though supported by the eloquent pleas of both Pennsylvania Senators and the memorials of her citizens. It was viewed as but a scheme to stem the tide of secession which it had been predicted would overwhelm at least fifteen States. Its further discussion and defeat only served to increase irritation and precipitate results. Georgia had withdrawn from the Union on January 19 and her members from the House on the 23d; Louisiana seceded on the 26th following, and her Senators withdrew February 4, and Texas on February 5. The chief occasion of their action, they stated, was not Lincoln, nor his party, however distasteful their general principles were to them, and particularly the special programme supposed to be demanded by the party platform and the sentiment of the President-elect regarding slavery, but it was the constant and "unhallowed pursuit of sectional aggrandizement" and territorial inequality that destroyed "the equilibrium of power between the sections." It was on these grounds also that the Senators of seven of the Southern States, Virginia, South Carolina, Tennessee, Louisiana, Mississippi, Missouri, and Florida, joined on August 14, 1850, in a protest to the Senate on the principles of the admission of California which denied "the right of the slaveholding States to a common enjoyment of all the territory of the United States or to a fair division of that territory between the slaveholding and non slaveholding States of the Union," warning the Senate that if the policy were "persisted in" it would "lead to the dissolution of that Confederacy in which the slaveholding States have never sought more than equality, and in which they will not be content to remain with less." The four States driven into secession by the doctrine of coercion, Arkansas, North Carolina, Virginia, and Tennessee, likewise affirmed in Congress the identity of interest and common cause of complaint that would lead them to this

course if extreme measures were used against their sister States, and the rejection of the Crittenden proposition, even after its modification in favor of the North as to territory by the Virginia Peace Convention of February 4-15, by the solid opposition of the party of the North had no small influence in preparing their people for this important step.<sup>1</sup>

Having shown the connection of developing American economics and politics that gives the general conditions under which the evolution of the land systems of the Northwest and Southwest took place and the broad results effected, we are better able to trace the specific modes of this process and the relation of local results to the original systems formed in the colonial North and South. It was these results that made a *de facto* separation of interests between sections of the new West, and increased the tendency to identify them with the already separated interests of the old States, and this became a basal factor in our subsequent political history. The question of how far the land systems of the North and South were extended in the new region is involved in the history of its acquisition, and the conversion of most of it into public land, and its settlement either under the laws regulating the lands of the United States or under the land laws and practices of the States or nations to which the territory originally belonged.

The first public domain of the United States was the creation of the States by voluntary cession. To this was added by the Federal Government a greater expanse of territory by annexation, either by purchase or treaty concluding war or diplomacy with foreign powers, and by purchase from foreigners, State, or citizens. The first cession came from New York in 1781 of its title to the entire country southward from the source of the Great Lakes across the Ohio Valley to the Cumberlands based on treaty with the Indians. Of this, only some 202,187 acres embraced in Erie County, Pa., and afterwards sold to that State by the Government, was made an effectual grant, after the relinquishment of Massachusetts's claim. From 1763 to 1783 the title to practically all of the trans-Alleghany territory east of the Mississippi, north of the thirty-first parallel, lay *de jure* with Great Britain, regardless of colony conquest or original charter grants to the colonies. Under her régime and that of the French preceding it, as well

<sup>1</sup> Congressional Globe, 2d sess. 36th Cong., 1860-61, Pt. I, 112-114, 264-266, 379, 405, 409, 443, 843-845 note, 486, 489, 490, 494, 495, 512. Buchanan's Administration, 134, 137-139, 144, 152.

as under colony claims, land grants and settlement had begun to take form. The voluntary cessions of the titles of Virginia in 1784, of Massachusetts in 1785, and Connecticut in 1786, based on charter, conquest, or settlement, cleared the title of the Federal Government to 169,959,680 acres of public land in the region northwest of the Ohio, east of the Mississippi, and south of the Great Lakes, commonly called the Northwest Territory.<sup>1</sup> Some 4,300,000 acres of this, in what afterwards became the State of Ohio, was reserved both as to soil and jurisdiction by Connecticut, in what was known as her Western Reserve and Fire Lands, until 1800, when a jurisdictional cession only of this was made to the United States in order to quiet title and give Connecticut grantees the warrant of a Federal Government patent. Virginia, too, had imposed conditions upon her cession; that the United States should confirm the titles and possessions of the French, Canadian, and other villagers, citizens of Virginia, and should satisfy the land bounty claims of Gen. George Rogers Clark and his soldiers to the amount of 150,000 acres, located in the present State of Indiana, and also the unsatisfied claims of her Revolutionary veterans, which were eventually provided for in a tract of 4,204,800 acres between the Scioto and Little Miami rivers and called the Virginia Military Lands. Of this, 76,735.41 acres unappropriated in 1871, was ceded to the State of Ohio by the Government and sold by her for the benefit of technical education, so that the total practical reservation made by Virginia was but slightly less than that of Connecticut, being 4,280,513 acres.<sup>2</sup>

The cessions creating what was afterwards known as the Southwest Territory began with that of South Carolina in 1787 of a strip of land 14 miles wide, forming the northern portions of the present States of Georgia, Alabama, and Mississippi, and containing 3,136,000 acres. It was followed in 1798 by the North Carolina cession of 29,184,000 acres comprised in the area of Tennessee, and almost completely covered by her reservations.

In 1802 Georgia ceded 56,689,920 acres, partly claimed by the United States under the treaty of 1783 with Great Britain, between her western boundary and the Mississippi, which added to the South Carolina cession the remainder of the present States of Mississippi and Alabama above the thirty-first

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<sup>1</sup> Public Land Commission, pts. 1 and 4; 10, 11, 12, 63, 64.

<sup>2</sup> *Ib.*, 11, 66, 69, 72, 75, 82, 85.

parallel, the boundary line of the Florida purchase. Her reservation was for a money payment of \$1,200,000 from the land sales, and 500,000 acres, or the proceeds of their sale, to satisfy existing claims. By the Louisiana purchase from France in 1803 a partial title was gained to the territory lying between the Mississippi and Perdido rivers south of the thirty-first parallel, and the purchase of East and West Florida in 1819 finally extinguished the Spanish title to any portion of this territory, and added, in parts of the present States of Louisiana, Mississippi, and Alabama, and in Florida, 37,931,520 acres more to the land of the South and Southwest.<sup>1</sup>

The national domain west of the Mississippi was acquired also by treaty, State cession, and conquest, but besides through peaceable annexation by joint resolution of Congress, and most of all by purchase. Not all of this, however, was public land of the nation. The 175,587,840 acres comprised in the area of the State of Texas were in no way subject to the distribution of the Federal Government. The territory added to the public domain by the Louisiana purchase and treaty with France of 1803 was more than three times the area of the original thirteen colonies, and contained in the area claimed, 1,182,752 square miles, or 756,961,280 acres. To this the treaty of Guadalupe Hidalgo with Mexico in 1848 added 334,443,520 acres; the Texas purchase or cession, 65,130,880; the Gadsden purchase and treaty with Mexico in 1853, some 29,142,400 acres more, and the purchase of Alaska from Russia, 369,529,600.<sup>2</sup> The total area of public land thus embraced west of the Mississippi was 1,555,207,680 acres as compared with the 169,959,680 acres of the Northwest and the 126,938,440 acres of the Southwest Territories east of that river, giving a grand total of 1,852,104,800, in which the West had over five times as much as the East and the North something over a third more than the South. At the time of the Louisiana purchase this inequality was even more marked as respected two of the sections, the South having a share but little over half that of the North, and the two together about a third that of the West.

Not all of this vast region, however, was subject to the operation of the laws of the United States affecting the distribution of public lands. Much had been granted as private land under the regulations of France, Spain, Great Britain, and Mexico, the claims to most of which were acknowledged by the Fed-

<sup>1</sup> Public Land Commission, pts. 1 and 4; 12, 83, 88, 108-120.

<sup>2</sup> *Ib.*, 120-124, 128-135, 145.

eral Government, as by agreement, and, as far as possible, protected. These, however, were inconspicuous in comparison with the total amount distributed by the United States. A more important exception was the grants made by the colonies and States, to guarantee which the reservations in their cessions had been made. The large extent of these grants was especially important in the Southwest, where they were sufficiently great, together with the major portion of French, Spanish, and British grants, to practically counteract the motive and usual result of the system of distribution employed by the Federal Government.

Most of the Northwest Territory was regularly distributed according to the rectangular system of the land office, only some 8,580,513 acres out of a total of 169,959,680—that is, less than 5 per cent—were distributed under State or colonial laws, and of this considerably more than half was so treated as to produce the same general result as the Federal land laws. Connecticut, in her Western Reserve and Fire Lands, employed the New England method of settlement, which was further encouraged to spread by the French and Canadian villagers of the Kakaskias, St. Vincents, and other places. The loose and irregular methods of survey and settlement under the Virginia laws in her smaller reserve so confused titles that a long course of litigation was involved, which retarded settlement for a quarter of a century, and for fifty years, up to 1871, the question was a frequent subject of Congressional legislation. Little opportunity then was offered for the extension of the Southern land system into the Northwest, except by the possibility of accumulations through the influence of speculation under the credit régime, and by exceptional Congressional grants to companies and individuals.

Besides the enormous grants to the Ohio Company and to Symmes, aggregating 1,071,440 acres, several tracts of from 1,800 to over 20,000 acres were given as donations for special reasons. These, however, were offset by correspondingly small grants to Canadian refugees and foreign settlers for forming towns. Almost 13,000,000 acres, up to 1820, were thrown open to speculation in the Northwest as compared with some 5,000,000 in the Southwest, but these were reduced by nearly a third through reversions and relinquishment, and this speculation was wholly insignificant as compared with the great transactions in Southwestern lands after 1830. Owing to the effect of the numerous relief acts after 1809 the evil influence of speculation was largely counteracted in the Northwest, and a large



number of small holdings were retained by the sacrifice of useless lands.<sup>1</sup>

But there were several other specific influences that tended to shut the plantation out of the region north of the Ohio and to introduce the Northern farm: (1) Northern immigration, which was accustomed to small farming methods in the home State or in Europe, absorbed most of the territory. Only the southernmost portions offered an inviting field for the settler from the South. (2) Northern food products, and chiefly grain crops were suited to the soil and climate, which, with distance from market, tended to transfer to the Northwest the agricultural methods of Pennsylvania and New York as well as their products. (3) The cost of labor and its general scarcity made free labor especially unsuited to expansive agriculture and encouraged the creation of an independent small-holding yeomanry. (4) The laws concerning descent of lands and conveyancing were remarkably simple and facilitated by easy and direct modes the interchange of estates. The second section of the ordinance of 1787 abolished the whole doctrine of feudal tenures for the Northwest more effectually than the statute 12 Charles II. did for England. It viewed land as allodial. Intestate estates descended to the heirs in equal parts, saving only widow's dower. The easiest modes of devise and of transfer inter vivos were put in operation. Further, the Statute of Uses, with its complexities and evil effects on conveyancing, was never fully adopted. Entailments and perpetuities were barred by statute. The technicalities of real actions were avoided and lauds were recovered by simple ejectment.<sup>2</sup> Consequently, neither the opportunity for engrossment of lands nor the possibility of its support existed in the law and practice of this region, and these were also passed on to the great West.

South of the Ohio conditions were very different. More than one-third of the Southwestern lands added to national territory were not embraced in the actual public domain. Of the nominal 151,049,640 acres of this territory but 96,049,921 were actual, as the areas of Kentucky and Tennessee, with the reserves of Georgia and Florida, aggregating 54,999,719, were either the public lands of States or private lands of individuals. Of the area west of the Mississippi, exclusive of Alaska, nearly one-sixth—some 198,000,000 acres, almost all of which

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<sup>1</sup> Public Land Com., pts. 1 and 4; 69, 82, 203, 209-11.

<sup>2</sup> *Ib.*, 158, 159.

lay in the portions of country attached to the South—was not included within the national public land nor subject to its methods of disposal. In both these regions together, if we consider only the additions made specifically to the South, we find the State and private lands covered some 223,000,000 acres, while the actual public lands of the United States comprised only 190,527,741 acres, an area of over 21,000,000 acres less. The influence of these facts upon the resulting land system was great. It meant that these non-public lands were disposed of by Spanish, French, British, Mexican, or State grants, and that their methods of settlement, in general irregular and expansive, were in direct conflict with the system and intent of the rules of the United States Land Office,<sup>1</sup> while they conformed to the system in vogue in the Southern States.

Practically none of the 29,184,000 acres of the State of Tennessee, the North Carolina cession, were distributed by the General Land Office. This area was already covered by the reservation of North Carolina for claims already granted. The early settlement of Tennessee then took place under the same laws that were in force in North Carolina. A State land office was established in 1777 in what was known as Washington County, extending to the Mississippi and comprising the whole territory ceded, and lands were distributed under the North Carolina law and practice. The plan of 640-acre grants was adopted only to be evaded in practice. Enormous individual grants were obtained through the office by fraudulent methods, chiefly by aggregations or fictitious entries. In this way John Sevier located 46,000 acres, while he had 165 location papers for grants of 640 acres, which, if allowed, would have given him 105,600 acres. As early as 1772 the Wantauga settlers had gotten large claims, which were subsequently annulled. One of these, Joseph Brown, bought half of the present Hawkins County from the Indians for 10 shillings. Some settlers held undergrants from Virginia, others from Lord Granville, and many by squatter's right and possession, which latter were confirmed in 640-acre grants. When the law of Tennessee became operative it modified but very slightly that of North Carolina, so that in the main the land system of North Carolina was reproduced. In

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<sup>1</sup> Public Land Commission, 105, 376, 381, 382, 407, 409, 420, 421, 425, 435.

east Tennessee there were a number of farms of limited area, and west of the Cumberlands there were some large plantations encouraged by slavery imported with the settlers. Jackson's plantation, near Nashville, was from 7,000 to 8,000 acres.

Another large area, that of the State of Kentucky, comprising 24,115,200 acres, was only nominally in the public domain, and was settled under colony and State laws likewise. This portion of the possessions of the State of Virginia was not included in its cession to the Government. As Virginia territory it was first included in Fincastle County, and in 1776 was erected as the separate county of Kentucky. The early settlers were mainly Virginians and North Carolinians. From 1750 to 1769 the early explorers, Walker, Gist, and Boone, made little headway against the hostile Indians, and not until after 1770 were any important attempts made at settlement. Virginia, from the first, extended the methods of her land office to the Kentucky region. Indiscriminate location was allowed on any unoccupied land. Surveys were made not before but after location, and they included practically as much as the settler asked for. They were marked by the same irregular and primitive boundaries employed in Virginia, which tended both to confusion of titles and to engrossment. Grants made by immigration companies had the same effect.

Shortly after the victory over the Indians at Point Pleasant, settlers began to pour in, and the land agents of the Transylvania Company, a North Carolina venture, at Boonesboro granted entry certificates to as much as 560,000 acres of land. The Transylvania Company had purchased from the Cherokees a title to about half of Kentucky, and, regardless of the claims of Virginia, petitioned Congress to erect them into a separate State. This plan was defeated by Patrick Henry and Jefferson, the Virginia delegates, the purchase was declared illegal by both Virginia and North Carolina, and the colony rapidly declined. In 1778 Virginia annulled all acts of the company except the grants to actual settlers, and finally extinguished its claim by giving the company 200,000 acres of land to deal with as it had with its former land.

The form of early settlement was the palisaded village, due to the fact that the settlement was made in the face of hostile Indians, but this did not permanently affect the land system. The grants continued to be given on the Virginia plan, and, as soon as pacification permitted, they were entered upon and

turned into extensive farms. When Kentucky laws became operative this tendency was further increased. They practically gave lands away as bounties. Land was sold at 30 cents an acre or \$30 per 100 acres. Immigrants were freely allowed from 100 to 200 acres for settlement. The county courts were vested with power to make land grants, and prices were reduced. Everyone over 18 years of age might have a right to 400 acres, at \$20 per 100 acres. Those who were in debt for land were given as much time as they wished to settle with the State. Land jobbing was general, and the large importations of slaves indicate the general tendency to engrossment. The slave population rose from 12,000 in 1790, when it was one-sixth of the total population, to 43,000 in 1800, and to 80,000 in 1810.

A third Southwestern State which was not affected by the public-land laws was Texas, with its 175,887,840 acres. Its cession of 65,130,880 acres lay wholly without the State limits. The expansive land system of Texas would scarcely need comment except to trace its interesting origin. The Spaniards first settled in small villages, but, as they were not farming but cattle-raising communities, large grants of land were necessary, and these tended to pass into individual ownership. When individual grants began, about 1826, it took but ten years to parcel out the most of Texas between 13 large grants. During this time there was a large immigration of Southerners, encouraged by the exceptional benefits offered by the Spanish colonization laws. They allowed a league of land (4,604 acres) to every settler who was the head of a family, and one-third of a league (1,476 acres) to a single man, who, when he got married, could claim the other two-thirds of the league. In 1836, under the Republic, a law was passed establishing local offices and dividing land grants into *labors* of 175 acres each, to be sold at £10 a *labor*. The limit of purchase was 275 *labors*, so that an individual might acquire as much as 48,125 acres. Immigrants were allowed in fee a league and a *labor* (4,779 acres), and large bounties were offered to soldiers. It is easy to see how, in this way, Texan homes came to be 10, 20, 30, or even 40 miles apart, and every man held in possession 100 times as much as he wanted for cultivation. Even so late as 1850 the average farm acreage in Texas was 942 acres.<sup>1</sup> The result of this system of grants was like that of the older Southern

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<sup>1</sup> Young, 254; Parker, 185, 189, 224; Gouge, 22; Stiff, 160; Census 1850.

States—nonimprovement, vacancy, and land speculation. In 1848 in Texas 512,614 acres only were in cultivation out of an assessed acreage of 38,000,000.

Besides these States, which were not affected at all by the public-land system, there was a large body of land in two States actually a part of the public domain which was distributed by other methods than those of the United States Land Office applying to agricultural grants. In the territory<sup>1</sup> added to the South by the South Carolina and Georgia cessions and by the Louisiana and Florida purchases, comprising the States of Florida, Alabama, and Mississippi, Louisiana, Arkansas, and Missouri, over 48 per cent as late as 1880 remained undistributed, vacant, or absorbed in other than the regular agricultural and bounty grants. Grants aggregating 88,441,788 acres were made to States or corporations for public improvements, especially of transportation, and for military and saline reservations, and education, or were absorbed in swamp lands. Of the remaining 113,825,200 acres some 9,846,612 were already absorbed or claimed under colonial grants of Great Britain, France, and Spain. This leaves, exclusive of the Georgia Reservation, only 103,478,588 acres, barely half of the total area, that were actually regularly distributed by the Land Office in all this territory; and of this 13,427,109 acres were homesteads claimed after 1863. The land system of these States was then probably more influenced by the old grants than by the new. The conditions of the purchases of Louisiana and Florida guaranteed all the rights of private property to the old settlers and all claims previously granted. The United States had to make these good or adjudge the claims deficient. These grants were very numerous. They lay along the Mississippi River all the way from Vincennes to the Gulf of Mexico, were thickly scattered over Louisiana, along the Gulf in Mississippi and Alabama, and all over east and west Florida. There was a large number of them in Missouri, and some in Arkansas. The actual occupation of the French and Spanish under such grants had set the first type of development for the land system.

These grants, unlike those of the British and French in the Northwest Territory, were usually large.<sup>2</sup> Large French

<sup>1</sup> The Indian reservation of Indian Territory comprised 41,100,915 acres for a population of 76,585.

<sup>2</sup> Public Land Comm., 15, 189, 218, 221, 222, 228-230, 236, 237, 250-252, 255, 287, 355, 370, 371, 373, 376, 377, 423-433.

indigo, tobacco, and rice plantations, supporting a system of tenantry, were to be found around Mobile Bay and on the streams entering into it as early as 1772. In Louisiana and Missouri there were two chief forms of grants—urban and rural. These urban grants consisted of inlots, outlots, and common lands, very much like the Pennsylvania plan, but on a broader basis. The earliest settlers, for social reasons and protection, seemed to favor settling together. The rural grants varied from several hundred to thousands of acres, the league square, consisting of 7,056 *arpents*, not being unusual. Many of the claims were not occupied and thousands of acres were still unsettled in Louisiana as late as 1880. In that year 784 claims were still on file in the Land Office awaiting confirmation, and they show the expansive grants given. They were grants of from 1 to 3,000 acres. On the advent of staple products urban lots tended to be absorbed in these rural grants. Another fact that made for engrossment was the use made of land scrip. Land scrip was issued for unsatisfied claims by failure to locate, overlapping, or conflict with other claims. There were over one and one-quarter million of acres of this in the South—nearly one-half the total land scrip issued. This was used speculatively and, as in Texas, to locate large bodies of the public land.<sup>1</sup>

It is very difficult to arrive at the actual areas and the conditions of improvement represented in these Southwestern plantations. The census has no statistics until 1850 giving actual farm acreage. But the assumption that the tendency of land grants and the influence of extensive crops—like cotton, rice, tobacco, and sugar—was sufficient to reproduce the methods of the old South is supported by the statements of foreign and native travelers pointing to the general and early prevalence of a large plantation system, and by the testimony of agricultural reports contained in Government publications and contemporary literature. We have definite statistics bearing upon the sugar plantations of Louisiana between the years 1827-1830, which show that plantations ranged from 800 to 2,000 and 3,000 acres, the average being about 1,200 acres planted. In general, less than one-half the cultivatable area was under cultivation, while of the total area embraced scarcely one-sixth was cultivated. These facts well illustrate some characteristic features of the Southern land system—the

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<sup>1</sup> P. L. C., 289, 290. The acreage was 1,316,046 in a total of 2,893,034.44.

impossibility of complete improvement, isolation, and non-settlement. These plantations lay along the rivers and bayous with from 6 to 58 acres frontage on the water. A notable fact is the effect of crops on the size of the plantation. Sugar and cotton constantly tended to increase acreage, just as tobacco, rice, and indigo had done in the old lands. It was found in practical cultivation that a sugar plantation of less than 1,500 acres was operated at a comparative loss in net profit. In Arkansas the cotton fields consisted of from 300 to 400 acres, which meant that plantations contained at least 1,000 to 1,500 acres, as under the system less than one-third was cultivated. The public-land system then seems to have left no permanent effect in this portion of the great Southwest.

The only remaining portions of Southern territory to be considered are those parts of the States of Mississippi and Alabama embraced in the South Carolina and Georgia cessions, containing 59,825,920 acres. Here the public land laws went more fully into effect than anywhere else in the South. Only 500,000 acres, reserved by Georgia for claims already granted, were exempt from their application. The Yazoo claims of 1789-1795, embracing 35,000,000 acres of this territory, held by the Virginia, Tennessee, and South Carolina Yazoo companies and by several other companies, though revoked by the State, were finally purchased by the Government for \$3,000,000, so that a clear title was obtained to all the public lands in Mississippi and Alabama with the full right to distribute them in the regular method.

The tendency of the public land laws was in general, where not defeated by speculation, toward small grants. It cost in the early days \$331 to establish a preliminary claim to a section of land and ultimately \$960 more, making \$1,291 for the full title, including fees. After the price was reduced to \$1.25 an acre the total cost was still some \$900. Under the credit system this led not to settlement so much as to speculation. The best lands were absorbed in tracts by land sharks and the tendency to small holdings was partly counteracted. Fictitious and fraudulent methods were also used by speculators to keep out bona fide settlers. The lands were bid up to enormous figures, like \$160 an acre, beyond the limit of true purchasers, and when thrown on the hands of the Government by the speculator were bought in at a small advance on the minimum price of the land office. But squatters took up the poorer lands.

After the price was reduced to \$1.25 on the cash basis and the preemption acts between 1830 and 1841 were passed for the relief of these squatters, allowing the acquisition of quarter, half-quarter, and quarter-quarter sections, of 160, 80, and 40 acres, bona fide small settlers became a large class. Under the act of 1841 occupiers were limited to 480 acres; that is, they could only enjoy a preemption right if they had 320 acres or less.

As far as the intent of the public land grants in Mississippi and Alabama went, then, they were opposed to the Southern system; but there were several influences that counteracted this opposition and made the system finally conform to the plantation idea of the South: (1) The influence of the older planters in the Mobile and Gulf regions, which was exerted along the lines of the rivers upward into the country, set the type of profitable products and methods. The large plantations of the French around Mobile and the Gulf outlets to the Mississippi country, whence trade got its impetus and control, must have affected largely in the earliest days the immigrants in the interior, who depended on this region for exchange. Thus along the Alabama River in central and southern Alabama there were cotton plantations, each with its own landing for shipping to Mobile, like those of the Mississippi and Yazoo rivers, which shipped to New Orleans. (2) The chief body of American immigration, and the earliest immigration, in fact, to this country, was Southern and slaveholding. From 1764-1768 large bodies of immigrants went out from North Carolina, South Carolina, and Georgia up the bayous to the Mississippi country, with liberal grants from Great Britain. Mississippi began to fill in 1800 and in 1810 had 40,000 inhabitants. Alabama settlement came later, but in 1820 her population was 144,000, as compared with the 75,000 of Mississippi. The immigration of the slaveholding cotton planters began early from the cotton States. They absorbed all the best lands and squeezed out the poor small holders with grain crops to the Piedmont and highland regions. (3) The abuse of the public land laws in practice by speculation, encouraged by inflated currency and a general movement of expansion, became rampant at the South after 1835, when the rise in the price of cotton showed the use the land might be put to and the demand that would come from the agriculturalist. While only \$8,000,000 worth of public lands were sold from 1818 to 1829, sales began to



pick up in 1830, \$5,000,000 worth being sold that year, and in 1835 \$11,000,000, and in 1836 \$24,000,000. Of total sales between 1830-1840, 20,000,000 acres were sold in the South. The demand for cotton seems to have had the most direct relation to this as a cause. Cotton production and the sale of public lands increased together with almost like ratio. Cotton began to rise in price in 1830, passing from 6 to 8 and 10 cents, and in 1833 to 11½ cents and in 1835 it went from 14 to 20 cents, and up to 1837 it was still kept between 8 and 15 cents.

It was in view of this fact that the speculator bought land. He could buy it at \$1.25 an acre and sell at \$6.44, which, though nearly \$1 higher than land in the old Southern States, was more valuable on account of its fertility and would induce purchase. There was a rush on all sides and by all classes for land in large tracts. The actual planters seem to have bought most of their lands from speculators. The new States of the South borrowed \$32,000,000 of foreign capital between 1830 and 1837 to invest in internal improvements. State banks were established with this and a still larger amount—\$48,000,000—of private capital. These banks lent out money at high rates of interest to purchasers of plantations, chiefly poor sons of old planters who had 20 or 30 slaves given them on which to start. They mortgaged their slaves and plantations for payment and frequently those of their fathers also. Everything was upon a basis of futures and crop mortgages. This is the way Mississippi and Alabama were settled between the years 1830 and 1840. The population of Alabama was nearly doubled and that of Mississippi nearly trebled. The contemporary proportional increase of slaves shows the character of settlement. From 453,000 in the new Southwest in 1830 they rose to 845,000 in 1840, while in the old slave States the increase was reduced to 5 per cent. In Alabama the negroes had increased from 118,000 in 1830 to 255,000 in 1840; in Mississippi from 66,000 in 1830 to 195,000 in 1840, while the whites in Alabama increased from 70,000 to 335,000, and in Mississippi from 70,000 to 179,000 only.<sup>1</sup> The evil effect of speculation and State debts was not so much in the establishment of too expansive plantations, greater even than the actual economic demand of an era of agricultural exploitation might have caused, as in the inflation and bankruptcy that

<sup>1</sup> Tucker, United States, p. 50.



this mortgage system involved. When the crash of 1837 came it produced the greatest agricultural depression in this region. The cotton crop fell off by one-fifth, some 168,000 bales, in 1838, and though it recovered in a few years, the collapse and over-production together kept the price low. The planter had nothing to meet his obligations with, as he had relied upon his crops to raise his mortgage. The banks, unable to collect their loans, failed, and productive industry got a setback that it did not recover from till 1850.

(4) When cotton production began to revive, toward the fifties, it became a means of further extending the plantation as opposed to the public-land system. It was probably, after slavery, more important in this effect than any of the other influences mentioned. It not only held the plantations together, as the inheritance laws did in the old States of the South, but it gave them a constant tendency to increase in size up to the maximum limit of profitable production. De Bow<sup>1</sup> gives us a striking example of this even in the forties, which he seems to take as typical of cotton estates, though this particular one was in Louisiana. In 1839 it had 400 acres under cultivation; within seven years it had increased by nearly one-third, i. e., to 550 acres, and that while the labor force remained practically constant, having increased by only 2 slaves.

With the year 1850 we find definite statistics as to the size of cotton plantations in Alabama and Mississippi. According to the census they were seldom less than 400 acres, and in some cases 10,000 acres. On the basis of this census 675 acres was estimated as an average amount under cultivation in the cotton States, but in Alabama and Mississippi the average plantation was smaller. A little later, Olmstead, a New York farmer, traveling in the Southwest, found the average middle-class plantation to be of 600 acres, while the best plantations on the Mississippi contained from 13,000 to 14,000 acres under cultivation, and in the back country there were a large number of smaller ones of a few hundred acres. In 1860 in the ten cotton States from North Carolina to Texas there were nearly 4,000 plantations having over 1,000 acres under cultivation and many times this number having from 500 to 1,000 acres. This will suffice to show the general tendency to

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<sup>1</sup> De Bow, I, pp. 173, 174.

increase in size, due to the product cotton. There were three types of plantation, developed according to location: (1) The river and Gulf plantation on the Mississippi and large rivers flowing into it and on the Gulf of Mexico. These were the largest, employing slaves by hundreds. (2) The inland plantation in central and northern Mississippi and central Alabama, usually of 600 acres, cultivated with some 50 slaves. (3) The Piedmont plantation of 400 acres and less, employing 30, 20, 10, or even a less number of slaves.

The only permanent effect of the public-land system, then, seems to have been in the highland regions. The hill country was covered with farms of the poor non-slaveholder or small slaveholder cultivating little cotton and more grain. There is evidence that in 1850 and 1860 there were a considerable number of these holding a few hundred acres, for by them the average farm acreage in Alabama in 1850 was reduced to only 289 acres and that of Mississippi to 309 acres. Yet even these small farms tended to be crowded out. By 1860 the average acreage in each of these States had increased by one-fifth, i. e., in Alabama to 346 and in Mississippi to 370 acres. The same effect was to be seen in Louisiana and Arkansas, due also to products. Sugar and cotton areas in Louisiana increased from 372 to 536 acres and in Arkansas from 146 to 245. But in the old States the development was just the reverse, and tended toward a break-up of the plantations. Average areas were reduced in all the other Southern States toward the limits of the Northern farm. Old Southern farms had an average acreage of but 366 in 1850, and this decreased to 329 acres in 1860, while in the North the average of 116 acres in 1850 and of 105 in 1860 bear witness to a similar tendency.<sup>1</sup> The abolition of entails had a great effect upon this at the South, and also emancipation and exportation of slaves, just as since the war the abolition of slavery has been the chief cause for further reduction. Another cause was the decadence of agriculture before developing commercial and manufacturing centers and interests.

In an age of agricultural exploitation the Southern land system was probably the most profitable that could have been adopted. It was correlated both with the developed systems of labor and crops on the principle of preserving immediate

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<sup>1</sup> Census, 1860, Agriculture, 222.

economies, yet while it returned large gross profits to the planter the net ultimate gain to society was small. When exploitation was past evils of a wide social and economic nature appeared whose ill effects were left to be combated by succeeding generations. The most important of these were exclusive agriculture, scattered settlement and isolation, absence of numerous trade and social centers, non-improvement of lands, soil destruction and absenteeism, all of which harmed no section except its own in material interests. But withal the Southern system produced a moral and social type of the individual that for its altruism, homely virtues, conservatism in ethics, and idealism in politics has found no parallel except amongst purely agricultural peoples.



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**XII.—DIPLOMATIC RELATIONS OF THE CONFEDERATE STATES  
WITH ENGLAND (1861-1865).**

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## DIPLOMATIC RELATIONS OF THE CONFEDERATE STATES WITH ENGLAND (1861-1865).

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In a small room on the third floor of the Treasury Department at Washington, overlooking the Executive Mansion, are several trunks of manuscript archives, which were purchased at a cost of \$75,000, and which relate the story of the diplomatic efforts by which the leaders of the Southern Confederacy hoped to create a new nation by the dismemberment of an old one. During the period of those efforts there was considerable English sympathy with the secession movement, but the condition of parties, the sentiment against slavery, the active efforts of English friends of the Union, together with the diplomacy of Seward and Adams, prevented the success of all Confederate attempts to secure recognition or intervention. It has been said that the dress suit and digestive apparatus of England were hostile to the United States; but that the cerebro-centers, the heart and the muscle, were friendly.

On the day of Lincoln's inauguration, only one month after the temporary organization of the Confederacy at Montgomery, Mr. Gregory, in the House of Commons, gave notice of a motion to recognize the independence of the Confederate States. Southern leaders hoped that their cause would be favored by an English desire to retaliate against the American tariff. On March 16, 1861, while Confederate commissioners were at Washington endeavoring to open peace negotiations with Secretary Seward, Robert Toombs instructed Commissioners Yancey, Rost, and Mann to go to London "as soon as possible" to press their claims for recognition. The instructions recited that dissolution was the result of long and mature deliberation to escape the persistent efforts to compel the South to pay bounties to the North in the shape of high protective tariffs;



that secession violated no allegiance or rights; that the Washington Government was not in a condition to offer opposition; that a large part of the North would not favor resistance, and that there was no unusual reason to fear war; that the South had abundant means and determination and would win. Power was given the commissioners to make a treaty practically providing for free trade, and a willingness was expressed to continue all the United States treaties except the clause providing for the maintenance of a naval squadron on the coast of Africa.

After Sumter fell, Toombs saw that war was unavoidable, and soon authorized the commissioners to issue commissions for privateers, stating that the large United States Navy made it necessary for the Confederacy to adopt this mode of defense. In his first instructions he had made no allusion to slavery, but he now stated that it was evidently the intention of Lincoln to overthrow Southern domestic institutions, and to sweep away the rights of minorities. He avowed the right of each State to judge what are infractions of the Constitution, and to decide upon the remedy. The enthusiasm and unanimity of the South were declared; England was to be told of the prejudicial results of the blockade, and Bullock was sent to Europe to secure war vessels.

Before receiving the later instructions, the commissioners, through the good offices of Mr. Gregory, had obtained an informal interview with Earl Russell, of the foreign office at London, on May 3. In reply to their representations, which emphasized the unrestricted commercial advantages that would result to England by recognition, Russell stated that the whole matter would be a subject of cabinet consideration, but he expressed no opinion. Mr. Rost received more encouragement in Paris, where a confidential friend of the Emperor said that England and France would see that their vessels reached the Confederate ports so long as cotton was for sale; that France would be ready unofficially and secretly to receive suggestions from the commissioners, and that recognition was a mere matter of time. About this time Mercier, the French minister at Washington, advised his Government to intervene by forcibly raising the blockade, but obstacles presented themselves. In a dispatch to Toombs the commissioners expressed confidence that neither England nor France was averse to the disintegration of the United States, but they feared that public opinion against the Confederacy on the question of slavery would

embarrass the Government in dealing with the question of recognition.

The commissioners had another interview before the end of May, but Russell only said that he desired to communicate with both parties as to rules concerning blockades and neutrals.

In April the British Government had decided not to intrude its counsels unsolicited to prevent the war. On May 2 Russell referred to it as a bad war and said "For God's sake let us if possible keep out of it." On May 6, three days after his interview with the Confederate commissioners, he announced the decision of the law officers of the Crown that the Southern Confederacy must be treated as a belligerent, as Greece had been in 1825. On May 13 the British Government, basing its action on "the size and population of the seceding States," issued a proclamation of neutrality. A few hours later Charles Francis Adams arrived at London with Seward's firm instructions to represent the whole of his country, and decidedly to oppose any wavering policy of Great Britain which might give the Confederates hope of recognition. These instructions were emphasized on May 21, when Seward, having heard of Russell's interview with the Confederate commissioners, wrote Adams that he would desist from either unofficial or official intercourse with the British Government "so long as it [should] continue intercourse of either kind with the domestic enemies of this country."

During the remainder of their stay in London it appears that Yancey, Rost, and Mann could do no more than to affect public opinion. At their last application for an interview Russell requested them to make their communication in writing. In June they had found that general opinion at London recognized that the North was too strong for the South. Gregory's motion looking toward recognition was postponed June 7, at Russell's request. Seeing no immediate hope of recognition by England and France, the commissioners suggested that communication should be opened with Spain. In July, after the Confederate victory at Manassas, R. M. T. Hunter, who had replaced Toombs since political expediency had made Richmond the executive center, informed the commissioners that the Union sentiment in the South had been silenced and that Maryland and Missouri were kept in the Union only by Federal troops. On August 24 the commissioners in a long communication to Russell gave reasons for immediate recognition, but they could get no satisfactory reply.

On the same day Hunter instructed them to hurry to Madrid to suggest alliance and seek for recognition. On September 23 orders were given to disunite the commission, and Mason and Slidell were appointed as commissioners to England and France, respectively, with instructions to urge that the new homogeneous Southern union could serve as no precedent for revolutionary violence, that its existence was of deep commercial and political interest to other nations, and that they should intervene against American intervention and ineffectual blockades. Of the former commission, Mann was sent to Belgium, Rost to Spain, and Yancey returned to the Confederacy in February, a few days after Mason's arrival at London. Hunter was disappointed in his hope that England and France would raise the blockade. Russell did not deem it advisable to merely break a blockade for the sake of getting cotton; Lord Palmerston was not ready to offer peaceful mediation as a preparation for intervention on a grander scale; France would not act without England. Rost, who went to Spain, but resigned in the spring of 1862, in bad health and discouraged, said that France waited for England, that England would do nothing so long as she could keep peace at home, and that Spain would be the last power to act. In the early part of February, 1862, Rost had in his possession a "Confidential memorandum," dated "London, 31 January, 1862," and importing a correspondence between the British cabinet and the maritime powers of Europe concerning the "stone fleet" and the blockade, in which the powers alluded to the blockade as "ineffectual." But Slidell said it was either a hoax played upon Rost's credulity or an invention of his own.

Yancey, who left London with Mason's "No. 1," stating that the ministry still seemed to "hang fire," ran the blockade at Sabine Pass, and soon reached New Orleans, where he informed Soulé and others that Prince Albert and Queen Victoria were against the secessionists, and that English feeling was so strong against slavery that the Government would hardly dare to give any help that would tend to perpetuate it. On March 29, after receiving this discouraging news at Richmond, Mr. Davis accepted Senator Yancey's resignation with regret.

Mason's instructions of September 23 had told him to go to London with as little delay as possible, but he and Slidell found difficulties in running the blockade at Charleston. They finally chartered a boat for \$10,000, and on October 12 W. H.

Trescott telegraphed Hunter that they had escaped in the darkness and rain of the preceding night. They reached Cuba, where they found much sympathy for the Confederacy, and after waiting for a steamer until November 7, they boarded the *Trent*, only to be captured the next day and detained until January 1. Mason reached London on January 29, 1862, and a few days later, when Parliament met, Gregory found him a place in the Commons to hear the Queen's speech, which disappointed him by saying nothing on the blockade. Mason wrote that "our friends in Parliament" had contemplated a motion to amend the address by proposing the recognition of the Southern Confederacy, but that they had abandoned it on account of the Queen being in mourning, and that they would first try opposition to the blockade. Slidell had promptly been granted an interview at Paris, and was already "insisting on the inefficiency of the blockade and the vandalism of the stone fleet." On February 7, by advice of Gregory, who was steering him, Mason applied to the British Government for an interview, and was received unofficially on Monday following at Russell's home. The dispatch reporting that interview never succeeded in getting through the blockade, but subsequent events show that Mason received no encouragement.

Hunter was vainly hoping that England and France, acting from both commercial and political motives, would end the blockade by intervention. In his instructions to Mason on February 8, 1862, he said that Mr. Davis would not deprecate intervention, but he desired that the treaty of peace should enlarge the Southern agricultural area and make it independent of the North, besides giving it Chesapeake Bay, by means of which to concentrate and control the Western commerce. He desired that the Confederacy should include Maryland, Kentucky, and Missouri, and all south of those States, together with New Mexico and Arizona, through which a railroad could be built to the Pacific. He stated that the South needed North Carolina, Virginia, Maryland, Kentucky, and Missouri to produce food supplies, so that the remaining Southern States could devote their entire attention to supplying the demand for cotton and sugar. Besides, he declared that if Maryland, Kentucky, and Missouri should go to the North, it would end the hope of a balance of power and lead to war, or to a Southern party favoring reunion in order to secure peace and trade advantages. In addition to political reasons, Hunter claimed

that it was England's commercial interest "to enlarge the area from which she draws tribute."

It was not until June 23 that Mason replied. In the meantime a more permanent Confederate Government had been born in a storm on February 22; defeats had resulted in sterner stubbornness; Congress on March 5 had resolved never to affiliate with the Northern invaders; Count Mercier, the French minister at Washington, had gone to Richmond on a mysterious errand; Southern missionaries, with plenty of money, had been sent abroad to aid and direct public opinion; Slidell had been instructed to offer Napoleon \$7,000,000 in cotton to indemnify him for the expense of a fleet to relieve the Confederacy and establish communication with Europe; but the United States occupation of the Confederate ports and the vigorous blockade gave little hope for any interference. On March 10 Earl Russell had said that separation would be a result of the war, but in May, when Lord Lyons, the British minister at Washington, embarked for England it was said at Richmond that he would "report the rebellion on its last legs." In his dispatch to Benjamin, who had succeeded Hunter at Richmond, Mason said that he saw very little prospect for "the suggested form of mediation" unless the cotton famine should urge the British Government to act. Napoleon was urging but waiting. Russell, however, denied that France had proposed joint mediation, and said that it would be inopportune. Mason complained that even American seizure of British ships on the high seas between England and Nassau had not caused the British Government to intervene, and he thought it inexpedient even to renew the request for recognition unless it be done as a demand of right, to be followed by his retirement to the Continent, as a stroke of Confederate dignity.

Lindsay's carefully studied motion for mediation, after dangling before the House of Commons for several weeks, was withdrawn on July 18 at the request of Lord Palmerston, after a long and spirited discussion in which Lindsay firmly declared, and others as firmly denied, that the American war was the result of "taxation without representation." Palmerston, though he said the Thirty Years' war was a joke compared to the civil war, denied that England would be justified in assuming the independence of the Confederates, and stated that recognition would lead to direct intervention. Napoleon said

that he regretted that the blockade had ever been respected, and he was still impatiently willing to cooperate with England, but he refused to act alone "to draw the chestnuts from the fire for her benefit."

Mason was vexed that the British Government could not be driven to a decided position, and his budding hope for a new ministry did not find a favorable temperature for healthy growth. His friends in Parliament said that there were political reasons for not ousting Palmerston while the Queen was in mourning and while there were fears that she would "go crazy." On July 7 Mason asked Russell for an interview and for a statement of the British attitude toward the rules of blockade as laid down in 1856, but in reply he received a mere acknowledgment of the receipt of his letter. On July 24, acting in cooperation with Slidell at Paris, he addressed a letter to Russell, in which he said that the Confederate States asked for recognition as an European duty. At the same time, desiring to state orally that a failure of England to grant recognition would operate as an incentive to the United States to protract the struggle, he asked for an interview. Five days later the *Alabama* ("290"), under the pretense of taking out a pleasure excursion including ladies and gentlemen of the family of John Laird, M. P., left Liverpool in the face of Mr. Adams's warnings, and was soon in the hands of the Confederate naval officers. If Mason's hopes were increased by this circumstance, he was disappointed. Russell declined an interview because he thought no good could come of it. On August 2, after a cabinet meeting, he wrote Mason that the British Government did not presume to interpret the United States Constitution; said that Seward affirmed that the disaffected population in the South owed its main strength to the hope of assistance from Europe; and that in the face of fluctuating events, contradicting allegations, and uncertainty as to the stability and permanence of the Confederate Government, the British Government was "determined to wait." On August 4, Mason wrote Benjamin: "The British Government shuts its eyes to accumulating proofs \* \* \* and relies upon the open mendacity of Seward." He hoped that the attitude of Napoleon and division in the cabinet would drag the Government into a "disgraceful reversal of its decision." On the same day Lord Campbell called for the correspondence with Mason, but withdrew his motion on the request of Russell, who referred to

the unofficial character of the correspondence and stated that its publication was not expedient.

Notwithstanding Mason's difficulties in holding intercourse with the Government and his failure to obtain recognition, Benjamin, on September 26, elated over McClellan's defeat, advised him to remain in England, where he could disseminate favorable impressions and where contingencies might arise to make his presence important. His house had already become a resort for Confederate sympathizers, and he had excellent facilities for reaching the public through the Index and several of the English journals. Mallory, of the Confederate navy, encouraged by the escape of the *Alabama* from Liverpool in July, 1861, sent Mr. G. N. Sanders to England with a contract to secure the construction of six ironclad steamers, to be paid for in cotton. A loan from Europe, based upon cotton certificates, was also under consideration. Benjamin, on October 28, in a letter which was captured<sup>1</sup> and published before it reached Mason, contrasted the friendliness of French statesmen with the "rude incivility of Russell," and took fresh hope.

In September, both Russell and Palmerston contemplated mediation. Palmerston said that in case of a new Federal defeat "the iron should be struck while \* \* \* hot," but one month later the cabinet disagreed upon this policy.

At this time Napoleon was shaking hands with Slidell and listening to proposals to build a Confederate navy in French ports, and a few days later, when the cotton famine was "looming up," and also simultaneously with the expedition of 35,000 reenforcements to Mexico, he formally invited England and Russia to intervene in the American war by offering a six months' armistice with the blockade removed. The French note was read to Russell on November 10, and he replied on November 13 declining any immediate action. At Richmond he was accused of being afraid of giving offense to the United States. Benjamin, however, was not discouraged, and he began to advise the European powers to take steps toward the prevention of a Northern monopoly of the trade with the Confederacy after peace should be declared. But the Richmond authorities were "out of humor" with England. On October 31, Mr. Davis had complained that England, after asking the Confederates to concur in principles regarding neutrals, had

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<sup>1</sup> From April 14 to November 6, Mason received nothing from Benjamin.

shown herself unfriendly (1) by derogating her own principle that no blockade was binding unless enforced, and (2) by refusing to reply to requests for explanation. On January 3, 1863, Mason in a note brought this complaint to the attention of Earl Russell. On February 10 Russell replied that England would practically adhere to the rule of 1856, which was aimed against paper blockades, but stated that the escape of vessels on dark nights or during adverse winds did not render a blockade ineffectual. It was in vain that Mason urged that the departure of vessels was notorious, and that the import duties collected at Confederate ports were twice as much as before the war.

The following June, Russell, in reply to a desultory lecture by Clauricarde in the House of Lords, said that the United States blockade of 2,500 miles was as legitimate as the English blockade of 4,000 miles in the war against Napoleon I. Mason wrote Benjamin that Russell had repudiated the principles of 1856, and added: "We will have to watch him when the time comes to make treaties."

During the spring of 1863 the fate of the *soi-disant* Confederate States hung in the balance. Doubt succeeded expectancy. The Confederate bonds were floated in Europe above par on March 28, but in a few weeks Mason was unable to keep them propped up. But the friends of the Confederacy in Parliament kept up an agitation on American affairs. They objected to American seizure of British vessels, complained of American prize-court proceedings, and brought accusations of American enlistments in Ireland. Friends of the Union had complained that a Confederate navy was building at Liverpool, but the Government seized suspicious vessels, and Palmerston said that an honest neutrality would be preserved. The recent correspondence intercepted by the United States probably made him more alert and careful. Mason wrote Benjamin that the sympathy of four-fifths of the Commons was with the South, and complained that the Government favored the United States. A member of the House of Lords said it gave him pain that the British Government allowed the Federals so much privilege, and he desired to see an "impression made upon the dis-United States" by some bold stand which he believed was the best policy to prevent collision.

Some in the Confederacy objected to further attempts to establish diplomatic relations with the British Government. In the early part of the year Benjamin, seeing little to hope



from England, and at the same time having reasons to suspect Napoleon's designs in Texas, Louisiana, and Florida, asked Slidell to open communications with Spain by suggesting the advantages of alliance and offering to join in a disclaimer as to designs on Cuba. About the first of the year the British Government had dismissed its acting consul, Magee, at Mobile because he sent Confederate specie to England on a British war vessel. In June Mr. Davis refused to recognize Magee's successor because he had been appointed through Lord Lyons at Washington. The exequator of British Consul Moore at Richmond was also revoked because he evaded the Confederate authority. The Richmond Whig said that the recent control by Lord Lyons of consular offices in the Confederacy might render it impossible for the Southern people to refrain from making remarks until the end of the war, and it suggested that the "so-called" should recall the private citizens who had been cooling their heels to no earthly purpose in the antechambers of St. James and the Tuilleries.

The crisis in England came in the middle of 1863, when Lee was in the heart of the North. Napoleon, sitting with the map of the United States unrolled before him, only waited for Lee to take Washington in order that he might grant recognition. In June, contrary to recent rumors in England, Napoleon told Slidell that he was still ready for joint recognition. He had given his sanction to the building of Confederate vessels in French ports. Lindsay and Roebuck, politicians and Confederate sympathizers in the House of Commons, went to France, and after having a long conference with Napoleon, returned to London with the intention of forcing Russell into cooperation with France in favor of the Confederacy. They declared that Napoleon had, a few days before, communicated with the British Government suggesting such cooperation. Russell and Mr. Layard, the under secretary, denied that any such communication had recently been received. Palmerston gave a parting shot at the two "amateur diplomatists" by saying that England negotiated through regularly accredited ministers and was opposed to "double diplomacy." If Napoleon sent any communication, as Roebuck said he promised to send, it was probably "unofficial," and the British Government refused to pull Napoleon's chestnuts from a fire too hot for imperial hands.

In July Mason had some correspondence with Russell as to the extradition of a Confederate murderer, as to the blockade, and as to the consular agents in the South. Russell still saw no reason to change his opinion concerning the blockade. He had continued to combat the "desultory lectures" on international law in the House of Lords, and he now wrote Mason that the American blockade was not rendered ineffective by the escape of blockade runners on dark nights and during adverse winds. Mason informed Benjamin that Russell would doubtless resort to evasions in favor of the North, and he said: "Our friends are depressed by the late news from the South." The Confederate bonds were falling, and the only remedy was to endeavor to export more cotton by fast steamers. Mason said that the Confederate Government should assume entire control and management of running the blockade and of exporting cotton.

Benjamin, seeing by the Parliamentary debates that England would decline overtures for a treaty, on August 4 wrote Mason that his residence in London was "no longer conducive to the interests nor consistent with the dignity of the Confederacy," and advised his withdrawal. On September 21 Mason notified Russell and the newspapers of his reasons for withdrawal. Russell replied that the reasons for declining the Confederate overtures were still in force, and expressed regret that circumstances had prevented the cultivation of Mr. Mason's personal acquaintance. The London papers, for which the Confederate press agent, Hotze, wrote editorials, commented upon Russell's very marked partisanship in favor of the United States, stating that he licked the feet of Adams and bit everyone else who ventured within the length of his chain.

Mason, on his departure to Paris, assured Benjamin (in October) that the failure of Roebuck's motion was due not to any disaffection toward the Confederacy, but to the peculiar structure of parties and to the popularity of Lord Palmerston. He was ready to speculate further. He was accustomed to dealing in futures. He now informed Benjamin that Palmerston was old and subject to sharp attacks of the gout, and that if there should be no Palmerston it was possible that Russell would be displaced and the English policy greatly modified.

In view of the disturbed condition of European affairs, the probable relations of France and Austria in Mexico, and of

possible contingencies and unexpected relations in which Confederate interests could not wait for the delays of uncertain communication, Mason was appointed commissioner to the Continent with duplicate full powers addressed in blank, so they could be used for any capital in Europe. He never had occasion to use these powers, but he continued to draw his yearly salary of \$12,000 until the end of the war, conferring alternately with Slidell at Paris, and with Southern sympathizers in the Parliament at London.

At the beginning of 1864 the Confederacy was in desperate straits. In February Maury carried news to Richmond that the Confederate agents had failed to get ships from England and France. The publication of a report represented as emanating from Mallory, of the Confederate Navy, and intimating a disregard for British neutrality, induced Russell to say that the Confederates would be notified that such conduct would not be tolerated. On April 12 Mason wrote that there was no hope even from France, notwithstanding all of Napoleon's "fairest professions sedulously made." Promenading through Capitol Square at Richmond, Jefferson Davis said, "We have no friends abroad," but he was still determined; and Mason wrote, "We can yet work out our salvation."

Napoleon still kept his eyes upon the American map, and would probably have been ready to recognize the Confederacy if Lee could have taken Washington. But he saw the almost inexhaustible resources of the North, and the indications that the Confederacy was playing a losing game. He was friendly toward the Confederacy, but it was to his advantage to remain on friendly terms with the United States. In June ex-United States Senator Gwin, with a letter from Napoleon, was on his way to colonize Sonora with persons of Southern birth and proclivities; but the Confederate hope of securing a navy from French ports was terminated by the action of the French Government after the vessels were ready to sail. On July 8 Mason wrote, "We have been entirely duped by that power, and worse."

Mason was at this time looking forward to an interview with Lord Palmerston. In the last week of May Lindsay had had a conversation with Palmerston with a view to conciliating Government support upon a resolution in Parliament for joint mediation. He wrote Mason that Palmerston favored the resolution, but thought best to wait, and that he had expressed

a willingness to hear Mr. Mason's views. Urged by Lindsay, Mr. Mason went to London with the expectation of having an interview with Lord Palmerston, though he felt that only the news of a great victory could give any hope that the ministry would support Lindsay's resolution. The interview occurred on July 14 at the prime minister's home. In reply to questions concerning the nature and probable length of the war, the probable result of the coming Presidential election upon the war, American opposition to intervention, the prospects of the South, etc., Mason said that opinion in the North was strongly against a continuation of the war, that the Washington Government would be forced to cease hostilities and make peace, and that he did not doubt the ultimate success of the Confederacy. He did not urge recognition, but he incidentally referred to it as a means of stopping the war. Palmerston was friendly, but did not define his policy for the future. Benjamin feared that Mason had exaggerated the prospects of peace and of recognition by the United States. He suggested that unless England dreaded the restoration of peace it would have been better for Mason to have taken an opposite view and to have informed Lord Palmerston that the war might long continue to linger if Europe persisted in encouraging the North by refusing recognition to the South. He declared that recognition would end the war, and that nothing else would.

Lindsay had been unable to conciliate the ministry and had abandoned his resolution before Parliament adjourned. On August 4 Mason, preparing for a visit to places in England and Ireland, saw nothing to do but to await events, hoping that the Presidential election and the antiwar feeling in the United States and the distress of the people in the manufacturing districts of England would favor the Confederacy.

It had often been suggested that Europe was prejudiced against the Confederacy chiefly on account of its strong adherence to slavery. Mason so interpreted one of Earl Russell's speeches, and he reported that even warm friends of the South were so strongly opposed to slavery that it was "but vain to combat their sentiments," though he told them that the film would fall from their eyes, and that they would be converted in time. In June, 1863, Mr. De Leon, a Confederate financial agent at Paris, in a letter to Mr. Benjamin, recommending the withdrawal of Mason, Slidell, and Mann from Europe, said that Confederate argument was powerless in the face of

European prejudice against slavery. M. de Lessups declared that France could never extend recognition without some promise of emancipation. In January, 1864, Mr. Mann wrote from London that the "Southern Independence Association," of that city, was kindly trying to show that recognition must lead to revision and gradual abolition of slavery.

As early as the spring of 1862 J. T. Pickett, the Confederate special agent to Mexico, suggested that the South should adopt a policy of emancipation. After the summer of 1863 several members of the Confederate Congress had advocated the abolition of slavery in order to obtain European intervention. In 1864 the proposal to arm the slaves led to a growth of opinion in favor of emancipation. Mr. Benjamin was willing to go to any extremity to prevent reunion, and he agreed with General Lee in favor of emancipation and the employment of negroes in the army. On November 7, 1864, Mr. Davis had recommended to Congress the enlistment of negroes, with a promise of freedom, and after much excitement and opposition by many slaveholders, this policy was finally adopted on March 9, 1865—at a time when the archives at Richmond were already being assorted preparatory to the evacuation of the city. From all signs slavery was doomed.

For several weeks the Confederacy had been entering its darkest period. Mr. Benjamin had ceased to smile his usual smile. The governors of States refused to obey orders from Richmond; desertions were depleting the army; the people suffered for want of food and clothes, and complained of the speculators; the soldiers accused the large landowners of evading military duty; Congress and Mr. Davis were quarreling, while the Union army thundered at their gates. It had become evident that the intervention of European powers was the only hope, and soon prominent men favored immediate emancipation for foreign effect. On January 25 Mr. Lyons, who had recently been a member of the Confederate Congress, favored sending a commission to Europe to secure recognition on a basis of emancipation—as a *dernier ressort*. Such a commissioner had, in fact, already been decided upon by Mr. Benjamin and Mr. Davis.

In the autumn of 1864 it was realized by officials at Richmond that desperate measures were necessary to the success of the Confederacy. The last hope of an almost expiring Confederacy was to secure a treaty by which to dispose of cotton

and to secure money and vessels. Benjamin proposed negotiations with Europe on the basis of emancipation and a promise of cotton—the only remaining resource by which to purchase a navy. He proposed the seizure of the cotton by the government as a war measure. Mr. Davis hesitated to agree to this extra-constitutional policy, but after much deliberation he acquiesced. It was the last card, and it was played without authority of the Confederate Congress. In December Hon. Duncan F. Kenner, of Louisiana, the chairman of the ways and means committee, was selected as the proper man to go to Europe upon this mission.

On December 29, 1864, Benjamin, in a letter to Slidell, said that the Confederate States, in a four years' courageous struggle for self-government, had also really been fighting the battles of England and France; that in calculating the length of the war they had not expected Europe to aid the United States by the abandonment of the rights of neutrals, by closing the ports to Confederate prizes, by the seizure of vessels intended for the Confederacy, and by indifference to an unequal fight, but that, notwithstanding their miscalculations and the afflictions caused by the blockade and devastation, they were determined never to reunite with the North. He also referred to Seward's "one-war-at-a-time policy," and warned Europe against Northern aggression. Then he approached the main question, "Were there no terms upon which recognition could be obtained?" "Will Europe never recognize us," said he, "till the United States consent?" Then it might be necessary to deliberate upon the terms that could be secured "from the foe." But it was urged that if Europe had objections to recognition not already made known she should give the Confederacy a chance to meet them, or if it was her purpose to exact terms or conditions before recognition, a frank exposition of that purpose was due to humanity, "for," said Benjamin, "it may enable us to save many lives by consenting to such terms in advance of another year's campaign."

On December 30 a copy of the above dispatch was addressed to Mason, with the statement that it would be handed to him by Mr. Kenner, whose verbal communications upon the subject embraced in the dispatch was to be officially considered as reliable and "as emanating from the department under the instruction of the President." Kenner being delayed, Mason was instructed in a postscript that he need not wait for the

oral communication before acting. "Confer with Slidell," said the postscript, "as to measures best adapted to elicit some decisive response from France and England as to their intentions concerning the war, after having freely conversed with Kenner and obtained the information he will convey."

Mr. Kenner, with letters of credit and with full powers to make treaties, to bind the Confederacy to a policy of emancipation, and to sell all the cotton, if necessary, went to Wilmington about January 12 and remained there till the fall of Fort Fisher, on January 17. General Bragg then proposed that he should attempt to run the blockade at Charleston. But Kenner concluded that he could go via New York and reach London a month earlier. He overcame the opposition of Benjamin to this plan, crossed the Potomac, rode horseback through Maryland, and safely reached New York, where he received his papers through an officer of the Confederate secret service. On reaching Europe he held a conference with Mason and Slidell, and had a long interview with the French minister of foreign affairs, who promised a reply in two weeks, but he did not obtain a hearing from Lord Palmerston. He negotiated with London capitalists, and before he heard of the evacuation of Richmond he had arranged with a syndicate to take \$15,000,000 worth of cotton.

There was little hope for recognition by England under existing circumstances. On February 15 Lord Russell had written a fierce letter to Mason, Slidell, and Mann demanding that the "so-called Confederate States" should cease practices showing a gross disregard for British neutrality and a desire to involve Great Britain in hostilities with the United States. On April 27, 1864, Mr. Davis had sent Jacob Thompson and C. C. Clay as special agents to Canada to carry out instructions received orally, by which Canada was made a base for striking the United States in the back. Russell's warning applied especially to these projected expeditions from Canada and to Confederate attempts to prepare war armaments in British waters. The warning reached Richmond March 14, 1865, having been sent by Seward to Grant and then to Lee by a flag of truce. "Great Britain gives us a kick while the Federal generals are pounding us," said a clerk in the Confederate war department. Benjamin's career as a diplomatist had about run its course. For several weeks he had seen very little diplomatic correspondence except what he read in the

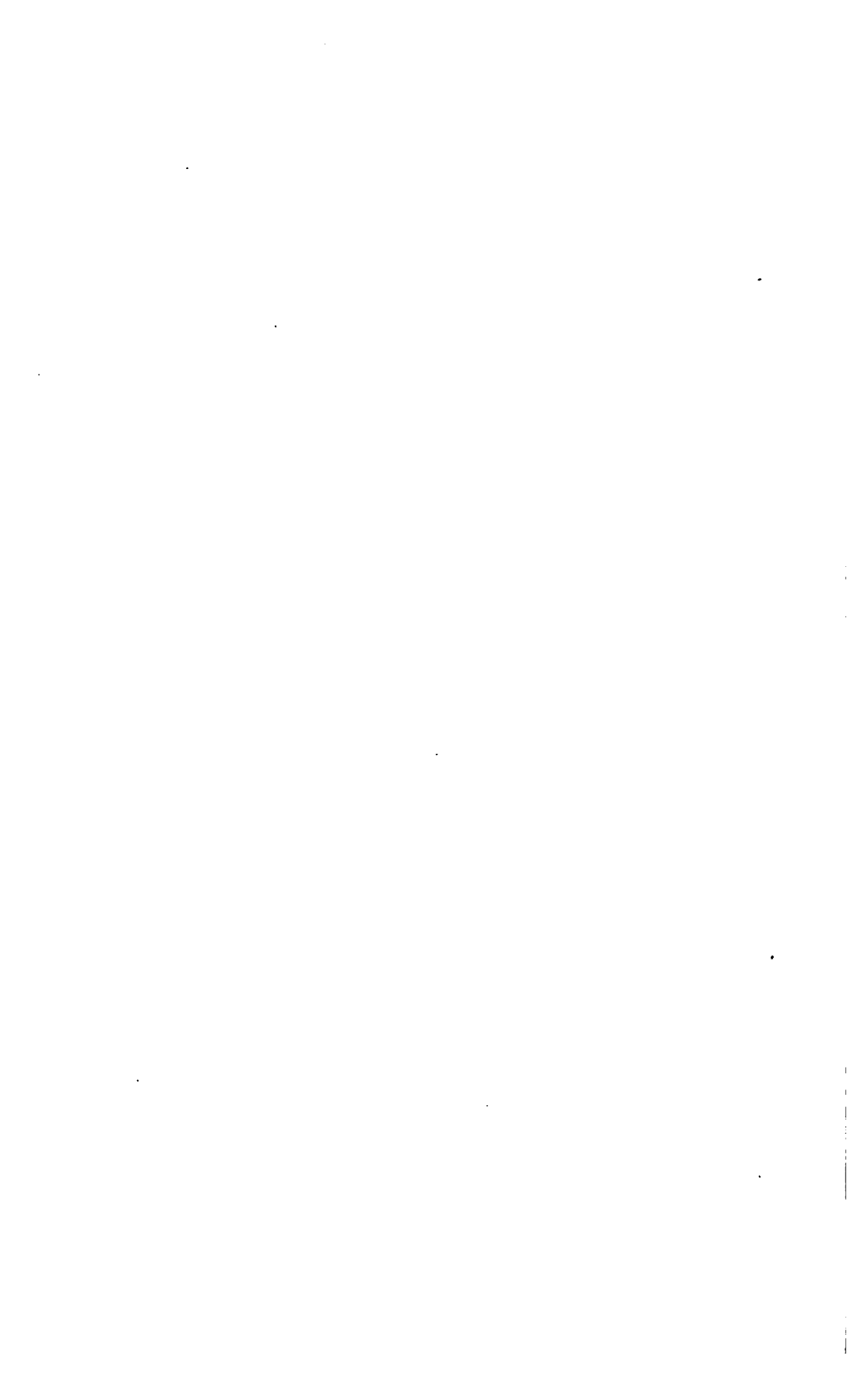
newspapers, and his principal work had been to grant passports. He returned Russell's letter to General Lee, diplomatically declining to receive through the United States a communication from a neutral, and expressed doubt as to its authenticity. General Lee suggested that the expression of doubt be omitted.

On the same day that Mr. Benjamin received Earl Russell's warning, Mr. Mason had an interview with Lord Palmerston in which he mentioned the substance of Benjamin's note of December 30, 1864, and of his instructions to Mr. Kenner. He denied the report that an aggressive alliance was first proposed by the Confederate commissioners at the Hampton Roads conference, said that the Confederate States had offered to guarantee the French West Indies to France in return for alliance, and left the impression that the United States was seeking aggression against its neighbors. He frequently and studiously reverted to the suggestion of emancipation in a way which Palmerston could not have misunderstood, but he made no distinct proposal in the terms of the note borne by Mr. Kenner.

Palmerston replied that England had no reasons back of those already given against recognition—and that those reasons still held. He admitted that England might have taken exception to the blockade during the first year of the war, but that it would have been impolitic—in view of the possible wars which England might have in the future, in which she might be placed in a position similar to that of the United States on the question of the blockade. On March 26 Lord Donoughmore told Mason that it was too late to secure recognition by the abolition of slavery.

All hope of recognition by England was gone, but rumors of French alliance or assistance floated in Richmond until the last. On April 1 the people were "fooled" by a report that a treaty had been signed with Maximilian. The next day the Union army broke the lines, and eight trains started south with the archives and executive baggage of a defunct Confederacy, which for four long years had stubbornly but unsuccessfully done everything in their power to secure recognition as a nation.





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XIII.—AMERICAN DIPLOMACY.

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## AMERICAN DIPLOMACY.

By EDWIN A. GROSVENOR.

A few days ago a brilliant lady of my acquaintance asked me on what subject I was to speak before this learned body. On my reply she exclaimed "American diplomacy! I did not know there was any!"

A prominent New England daily concludes a recent protest against territorial extension with the despairing query, "Where are the trained diplomatists in this country who can be opposed to those whom those great nations have at their service?" The manner and inference of the question is that American diplomatists do not exist; that for lack of them America can not sit in the parliament of the nations because defenseless against the diplomatic shafts of foreign rivals.

A leading paper of the New York press, discussing the peace commission shortly after it convened at Paris, says, "All accounts agree that the Spanish commissioners have displayed a high order of ability. In debating power and dialectic resource as well as legal equipment they are said to have shown themselves the superiors of the Americans."

A metropolitan magazine said on its opening page last June, "Even though a second-rate power and frightfully distracted by conditions at home, the Spaniards thus far have been more than a match for us, not only in diplomacy but also in their naval strategy." This is an editorial paragraph, written after the indiscreet letter of Señor Don Dupuy de Lome and after the victory of Commodore Dewey in Manila Bay.

Similar quotations might be multiplied almost without end. They emanate from no one party or section but from all. They simply voice the conviction, well-nigh universal in this land, that the United States possess no diplomatists or at least none to be compared with those of Europe; that there is really no such thing as American diplomacy. It is possible that similar

sentiments are entertained by some of this distinguished company.

Met together to study great themes of history, is there any theme more worthy our attention as scholars and of more vital interest to us as citizens and patriots than this? It is a subject not only of vast but of ever-expanding moment. Each passing day increases its importance. Barriers of national seclusion are everywhere tumbling like the great wall of China. Every nation elbows every other nation to-day. When any statesman speaks, his words are caught not only by the audience at the banquet or in the hall, but by listeners all over the globe. What was whispered at evening in the conclave of envoys and ambassadors is shouted the next morning by news-boys thousands of miles distant. In the fierce light beating upon every man who represents his country's interests at a foreign court ignorance of or acquaintance with social forms, a tactful remark, or a blunder in high place, each detail of conduct or bearing, and the sum of his capacity or incapacity are flashed homeward and worldward with impartial and sometimes cruel speed. If, then, the opinion current in America of American diplomacy be founded upon fact, our condition is pitiable, even perilous, and can not fail to produce in us each a feeling of humiliation and shame.

In many a mind to the word "diplomacy" attaches a subtle meaning, as of something abstruse, mysterious, almost magical or necromantic. It is supposed to employ language like a juggler, not for the purpose of expressing but of concealing thought, and thereby diverting attention from a trick. Its methods are to be tortuous, and its object is not to be approached direct, but by windings and detours. Like Napoleon's army at Verona, it marches westward when about to attack an enemy which is encamped behind it toward the east. And so the second definition given by Bescherelle is often acknowledged as the true meaning, "Diplomacy is skill in deceit." Thus was it taught by Machiavelli before the modern name was coined. Thus was it practiced by Talleyrand.

But there is another and, I think, a still more common acceptance of the term. Said a lady to me once, "I just dote on diplomacy. It is so sweet; it is just lovely!" The occasion of her satisfaction was a ball at a European embassy in Vienna, and the hour was still early in the morning. My fair companion attached to the expression small thought of

statecraft or of the round table. To her it was represented by the courtly bearing of the gentlemen, by their assiduous devotion to their partners, by the Parisian toilet of the ladies, by the sound on many a lip of the most polite and cosmopolitan of tongues, by the stirring music and the twinkling feet, by the atmosphere of luxury and polish, whence the uncouth was excluded and where none could enter unless to the manner born. Thus to a great number diplomacy means ability to speak French, to wear a dress suit without embarrassment, to pay a well-timed compliment, to make a graceful bow, to be master of the latest table etiquette and of the visiting card—above all, to be neither rustic nor awkward. “No buckles on his shoes!” gasps the Marquis de Dreux Brézé, chief usher of the king. “Ah, monsieur, then all is lost,” replies a sympathizing colleague. “I am sure he didn’t have a dress suit in his trunk,” said a tourist in summary condemnation of a newly appointed consul to Tunis, with whom she had crossed the ocean. The buckle of a hundred years ago and the dress suit of to-day are seemly and an adjunct of society. But they and what they represent are not all of it or of diplomacy, nor are they the essential part.

“Diplomacy,” says the Standard Dictionary, “is the art or science that has to do with the transaction of business between sovereign States by means of accredited agents and according to international law.” Says Calvo, “The part played by diplomatic agents consists principally in conducting negotiations, \* \* \* in watching over the execution of treaties, \* \* \* in preventing anything which might injure the interests of their fellow-citizens in the countries where they reside, and in protecting those of them who may be obliged to ask for their assistance.”

Such, then, is diplomacy—the art or science of international relations.

Such, then, is its object—the defense of the members of a State in their interests and rights. The dignity of the sovereign, whether a crowned ruler or an uncrowned people, and the character of that sovereign for integrity, decency, and comity are to be maintained by acts and words, and also by the demeanor of accredited authorities.

The diplomacy of every nation must emanate from the home government as from a fountain head. The streams of influence, in which it flows abroad, are its embassies or legations.

As the rills, clear or turbid, sweet or brackish, reveal the nature of their source, so inevitably by natural law does the embassy indicate the nature of the government and the nation which it represents.

Regarded from another point of view, diplomacy is a substitute for force. The stronger of two parties can rely upon his might. The feeble, and not the powerful, are benefited by the enforcement of the laws. Carthage, and not Rome, invoked the harsh treaties which concluded the Punic fights. And so diplomacy has appeared on many a field, entering the lists as the champion of the oppressed and weak. It is to hold back the hand from the blow and to prevent the fall. As says Moreno in *Le Diplomate* of Eugène Scribe: "War is the born enemy of diplomacy. In the silence of the cabinet, by the single force of reasoning, by happy and skillful combinations, to bridle ambition, maintain equity and peace between different powers, and force men finally to be happy without drawing the sword and without spilling their blood—what is more worthy of admiration! What is more sublime! This is the triumph and the work of genius!"

The rhapsody of Count Moreno was prompted by an ideal diplomacy, by a dream of the thing as it ought to be and might be. But it was Louis XIV who gave to diplomacy its European form. To the overbearing arrogance of the strong he added the acuteness and cunning of the weak. His strategists and generals—Louvois, Vauban, Vendôme—have left little permanent. But the successes of his diplomats—Bonrepaus, Torcy, d'Avaux—healed the wounds of military disaster and secured for France whatever she still preserves from that spectacular reign.

None the less did Louis XIV debauch diplomacy. He was always an actor on a royal stage, and his diplomacy was false and artificial like himself. Outwardly it was pomp and ceremony and glitter. Inwardly it was a tissue of unprincipled craft, with its chief ambition to overreach and deceive.

While the universal diplomacy of the eighteenth century was what Louis XIV had made it, the thirteen colonies on the Atlantic arose as an independent State. Benjamin Franklin appeared in Paris. The Boston tallow-chandler's son would seem little fitted by ancestry or training to act an effective part in that haughty and glittering capital. The throes of the French Revolution were still unfelt, and almost unheralded. Rank, birth, deportment, dress, controlled all. Over the

realm that he had made so prominent still ruled as by mortmain the traditions of the great king. To this company, conversant with every detail of that period, it would be superfluous to recall Franklin's marvelous foreign career. In his words glowed truth and practical common sense, two factors which men had not been wont to find in diplomatic speech. He came like a fresh and invigorating breeze from his western wilds. Upon that country and upon that age he left an unequalled impress. He towered as the ablest diplomat of the eighteenth century. He was the first exponent of American diplomacy. His republican simplicity, like Ithuriel's spear, approached the intrenched methods of duplicity and deception, and they shriveled at his touch. As legends of Richard the Lion-hearted still haunt the Arabian East, so do tales of Franklin, apocryphal or true, still survive in France.

Not long since I read the following story in the *Parisian Figaro*. It was in description of a banquet, where the British ambassador, the French minister for foreign affairs, and Benjamin Franklin were the eminent guests. Each was to offer a toast and then speak to the sentiment he had proposed. With national pride the British ambassador gave, "Great Britain, the sun, whose rays encircle and vivify the earth." The French minister swelling with a sentiment as loyal, gave, "France, the moon, whose beneficent beams reach the nations even in the darkness and make their dreariness beautiful." Then came the turn of the republican guest. The chief celestial orbs were already appropriated, but it was directly after the close of the Revolutionary war. Rising in the expectant silence, Franklin gave, "George Washington, the Joshua who commanded the sun and the moon to stand still, and they both obeyed him."

The recognition of American independence by the Dutch Republic was a memorable achievement of American diplomacy. Through months of weary waiting, John Adams, the American envoy to Holland, had been denied an audience. At last he presented himself unannounced to the president of the States General, and demanded "a categorical answer which he might transmit to his sovereign." He then visited in person every deputy of the confederation and repeated his demand. As Bancroft says, "the attention of Europe was drawn to the sturdy diplomatist, who dared, alone and unsupported, to initiate so novel and bold a procedure." Not a single foreign representative believed it could succeed. But



on April 19, 1782, the seventh anniversary of the day when at Lexington the embattled farmers of his native State had fired the first shot for liberty, the States General unanimously resolved to receive John Adams minister of the United States of America.

The crisis of our national life was not at Valley Forge or even during the Revolutionary war. The surrender of Yorktown and British lassitude after a seven years' war were not enough to wrest recognition of American independence from the mother State. The Swiss cantons had waited 333 years after Morgarten and the Dutch provinces 73 years after Leyden for acknowledgment from their rejected suzerain. The tedious war left the thirteen colonies exhausted, impoverished, and distracted. They in the negotiations for peace between the royal players, France, Great Britain, and Spain, counted less than a pawn upon the board. A sharp game ensued. Diamond cut diamond. Scabies extremim occupet. When the treaty at last was signed, September 3, 1783, it echoed louder through Europe than had done the cannon at Saratoga Springs. As Professor Channing says, "Seldom in the history of diplomacy have negotiations begun in doubtful circumstances been crowned with greater success." And Lecky, the English historian, writes, "It is impossible not to be struck with the skill and hardihood that marked the American negotiations."

The second treaty with Great Britain, effected by Mr. Chief Justice Jay, was hardly less an American diplomatic victory. Passions have cooled with the lapse of time. No longer frenzied by the border warfare that wrought upon our fathers, and weaned from their enthusiasm for a French Republic, we marvel at the aversion with which that treaty was received. Its stipulations were fair for both the contracting parties, but the gains accruing were distinctively our own. At the suggestion of Mr. Jay a most important provision, a novelty in international diplomacy, had been inserted. This was that war should never be made a pretext for the confiscation of debts or the annulment of contracts between individuals. Thus before her age reached a score of years the young Republic had begun her beneficent contribution to the domain of international law.

While approving the main treaty, the Senate exercised its prerogative in the rejection of one obnoxious and perhaps injurious clause. In this treaty approving or treaty-rejecting

or treaty-amending power the American Senate differs from other foreign bodies of similar rank. Thereby it becomes an important factor in national diplomacy. This exercise of its functions has often covered the Senate with opprobrium. Sometimes its verdict has seemed at variance with the popular will. Nevertheless this Senatorial power is a precious safeguard of our political life. The cosmopolitan nature of the Senate invests its decisions with peculiar authority. Let us rejoice that in its chamber sit to-day men trained in the classic halls of Bowdoin and Dartmouth and Princeton and Harvard and Yale. Let us likewise rejoice with equal fervor that beside them sit other men, trained in the larger college of the farm, the factory, and the counting-house, and that to them all equally every treaty of arbitration, of alliance, of peace, must be submitted for final arbitrament. And we may furthermore rejoice that, by the wise provision of our fathers, in that august assembly the opulent States and the cultured States and the historic States count no more than the stalwart though newly born States of the West.

Do we appear to dwell too long on events in the childhood of the Republic ?

It would be an agreeable task to trace the history of American diplomacy, decade by decade, year by year, down to the present time. It is not difficult to prove that there has been no degeneracy in it since those heroic days. The same principles have governed appointment. The results are to be measured by the same yardstick of success or failure. And until the last few months the peculiar difficulties our earlier envoys encountered have been experienced by their successors. Without fixed abodes, without imposing retinues, without navies or armies at their call, they have filled their mission 3,000, 5,000, 10,000 miles from the motherland. Meanwhile in efficiency, in integrity, in ability, they have stood the equals of their foreign colleagues in royal and imperial courts to which the power and the prowess of the American Union seemed a myth.

Take the list of our Secretaries of State during the last one hundred and nine years. Put in contrast with them the line of similar officials in any country under the sun. Neither Great Britain nor France nor Russia can present an equal rôle. Jefferson, Marshall, John Quincy Adams, Clay, Webster, Calhoun, Everett, Marcy, Cass, Seward, Fish, Blaine, J. W. Foster, Richard Olney. Other Secretaries of State of

equal political distinction might be named, but I am recounting the paladins of diplomacy.

Take from any nation the list of its envoys who have graced our Capitol at Washington. Then place beside them, man for man, the envoys whom we have sent to that same nation. While we honor the talents and the distinction which these foreign gentlemen have often shown, it is no disparagement to them to acknowledge that our representatives abroad have been at least their peers. Whom have we sent to England? Pinckney, Rufus King, John Quincy Adams, Gallatin, Everett, Bancroft, Dallas, Charles Francis Adams, Motley, Lowell, Phelps, John Hay, Joseph H. Choate, and others of scarcely inferior capacity and fame. There are names on the English list which we pronounce with respect, sometimes almost mingled with affection; but do they overshadow this illustrious roll? Sir Stratford Canning; Lord Napier; Sir Edward Thornton, the gentle and chivalric; Lord Lyons, who has left a knightly memory not only at Washington, but at Athens, Florence, Constantinople, and Paris; the present genial British ambassador, Sir Julian Pauncefote; Sir Edward Bulwer Lytton, by far the ablest, but deservedly the least honored of them all.

A New York paper said six weeks ago, "Probably the next minister to England will be a hack politician, neither intelligent nor experienced." Such expressions, careless and baseless, are frequent. How many times have we sent to England a man to whom the term "hack politician" could by any possibility be applied? But there is no better training for the real business of European diplomacy than the practical school of American politics. It is a better training than is afforded by the inherited blood of an ambassadorial line or by the partiality of a prince or by the routine from childhood in the monotony of office. Abraham Lincoln had been diplomaed in no other school when in the crucial days of the civil war he baffled the machinations of Napoleon III and curbed the arrogance of Lord Palmerston. But we can not forget that the same type of men and the same class of critics sneered at and derided Abraham Lincoln then who sneer at and deride American diplomacy and most things American now.

I make no claim that our diplomatic service is perfect or that all American foreign ministers have been saints or sages. No nation's history resembles the Arc de Triomphe in Paris,

on which only victories are carved. Sometimes we have had inefficient men, who have been worsted in diplomatic encounter. Sometimes we have had timid, shuffling men, who sought success by pliability. None the less, directness, frankness, honesty, tact, have been traits of the great majority from the day of Washington and Jefferson to our own. What General Woodford said of himself was the record of his colleagues, both the living and those under the sod. Said he, "In conformity with the traditional diplomatic policy of the United States, when your minister reached Spain he was absolutely direct and frank in his dealing." Or, as Judge Chamberlain wrote of John Adams, "His path went straight to its object, and his movements in it were simple and direct."

Moreover, in scholarly culture our diplomatic representatives as a body have surpassed those of any other land. No foreign country has summoned to its diplomatic and also to its consular service such a host of historians, political economists, poets, orators, journalists, jurists, educators, and writers of every class. The complete enumeration of our ministers and consuls first famous in literature would more than fill my allotted time.

William H. Prescott, Caleb Cushing, John Marshall, Henry Wheaton, Donald G. Mitchell, Charles Emory Smith, John Lothrop Motley, John Hay, George Bancroft, General Lew Wallace, James Russell Lowell, Bayard Taylor, W. D. Howells, Bret Harte, Samuel Sullivan Cox, Washington Irving, Nathaniel Hawthorne. Every person here can indefinitely prolong but not exhaust the teeming list.

The Author's Club has on its roll 152 names; but no political club of the country, whether municipal or state, has so many of its members to-day in high diplomatic station. Among them are:

Arthur S. Hardy, minister to Persia; Oscar S. Straus, minister to the Sublime Porte; Andrew D. White, ambassador to Germany; General Horace Porter, ambassador to France.

No marvel that in the foreign mind to an American legation attaches something of the aroma and renown of American authorship and learning.

Any discussion of this subject is incomplete which does not recognize the ability in diplomacy displayed to eminent degree by the officers of our Navy. Their names, synonyms of successful daring through a hundred years upon the oceans and

the lakes, are no less synonymous with skillful negotiation and tact. In 1815, Commodore Decatur in the Bay of Algiers; in 1854, Commodore Perry in the Gulf of Yedo; in 1867, Admiral Farragut in his European visit on the flagship *Franklin*; in 1898, Commodore Dewey in Manila Bay.

The European diplomatist still inhabits a half-mediæval castle, almost impregnable to criticism and difficult of access except to a privileged few. The American diplomatist lives in a glass house, where he may not only be seen but stoned. The European diplomatist is hedged around by privacy and reserve and traditional customs, like his queen or his kaiser or his tzar. The American diplomatist is merely an American citizen, but occupied with public life and resident abroad; his doors always open to all, like his President's in the White House. Because of this publicity of life, and because each compatriot feels a proprietorship in his representative, the envoy is exposed to countless demands which the average European would never dream of addressing to his diplomatic agent. And these demands, announced by telegraph, mailbag, personal interview, even telephone, do not confine themselves to purely official duties, but range over the whole gamut of human experience or desire. I am acquainted with one American minister who received a letter from a fellow-countryman asking for information as to the best manner of setting hens. I know another minister from whom another fellow-countryman solicited an original receipt for making hair dye. I recall still another minister to whom a lady wrote beseeching him to send her a bottle of Persian water, which she had heard would prevent wrinkles and old age. By a pathetic coincidence, this letter came from Florida, where Ponce de Leon and the romance of the sixteenth century sought the fountain of perpetual youth. A jovial editor in Texas started a story that the remains of the ark had been discovered on the top of Mount Ararat. His humorous soul must have gloated at the hundreds of epistles, earnest for details, which quickly started from the United States to the American legations in St. Petersburg, Constantinople, and Teheran. "That is the fortieth letter I have received about the remains of the ark," exclaimed an afflicted envoy, "and I wish Noah and his ark had been sunk when the rest of the world was." An English newspaper once referred to a drawing room of Her Majesty as an American function, inasmuch as the wife of an American min-

ister had presented such a blooming bevy of her countrywomen. Whenever the Sultan makes his official prayer, in the reserved rooms to witness the ceremony are generally gathered a larger number of Americans than of all the other foreigners united. Equally the permit for the presentation at Marlborough House or for the Ottoman Selamlik must be solicited and obtained by the American legation. To every request which an American representative receives, not only a courteous but a satisfactory answer must be accorded. Otherwise, woe betides his fame in this land of free tongue and free press.

In view of impatient and disappointed correspondents—nor am I speaking chiefly of correspondents of the press—I wonder sometimes that any American minister retains a shred of good reputation when he returns to his native country. I was once in the office of an American minister when he received two bulky packages by mail. One package was from the Department of State at Washington. It contained the copy of a complaint against the minister for insufficiency and neglect of duty in a certain important matter, and formally demanded his recall. It was numerously signed by names well known and eminently worthy of respect. The other package contained a document, dated eleven weeks later, addressed directly to the minister and signed by the same worthy names. It expressed the warmest gratitude for the successful termination of the matter referred to in the first document, and especially commended the minister for the energy and ability he had displayed. There was nothing surprising or underhanded in the coexistence of these two communications, though of so different spirit and tenor. Weary impatience of delay in a tedious suit had prompted the first letter. Delight at its happy termination had prompted the second. The writers were honest in both. But justice is not always so speedily done. There are men in America to-day who have held high diplomatic rank, who have discharged all its obligations faithfully and well, but who have received little except defamation and abuse in return for their fidelity and deserts.

Judge Baldwin, in his *Modern Political Institutions*, speaks of that "long line of diplomatic precedent which has made the voice of the President, as to foreign relations, the only recognized expression of the sovereign will of the United States." So it may be said that each successive President has been the incarnation and his words the formal utterance

of American diplomacy. As in this larger day the nations listen to catch the accents and to apprehend the spirit of the Western State that has revealed itself among them, it is the President, his utterance, his bearing, his entire demeanor, which they heed. I am not speaking now of partisan policy or sectional aspiration or prejudice. However large the tribute which he deserves in other fields, I am now referring to the President in his rank as the supreme diplomatist of the land and his capacity as embodiment of its diplomacy. As one relives these last months, passed in the suspense of imminent war, in the strain and agony of uncertain battle, in the delirium of unmeasured victory, he can recall no word or act of President McKinley in his diplomatic relations which has not been worthy of his exalted office. Whatsoever the party to which we belong or the section of this broad land from which we hail, well may we, in the emergencies of the hour, rally round the President.

*Væ victis* has it been always. Yet, while American diplomacy under his direction with a firm hand grasps the fruits of a hard-fought, well-earned victory, it, contrary to all the practice of all European states, extorts no pecuniary indemnity from the conquered, but tenders a sum which would once have been deemed fabulous to the helpless and friendless foe.

I am well aware that many are clamorous for the adoption of what is called the European system of diplomacy. It is supposed to offer a large career, to insure greater permanence in position, and to possess higher efficiency than our own. By the light of experience and not by the uncertain flicker of theory must any such claim be proved. Take a single example. Constantinople, more than any other city, is the sensitive point of Great Britain. To it she pays more assiduous heed than to any other capital. And yet, since 1861, of British ambassadors and American ministers to the Sublime Porte it is the British representatives who have been changed the oftener.

An American minister occupies a peculiar position. He is accredited by the President and presents his letters in his name. He is his direct and personal representative. Compulsion to retain the envoys of his predecessor would be unfair to any incoming Chief Magistrate. It would have been unjust to President Cleveland had he been obliged to retain in office the diplomatic ministers appointed by President Harrison. It would have been unjust to President McKinley were

he obliged to retain in office the diplomatic ministers appointed by President Cleveland. Only two foreign powers pursue a consistent, undeviating foreign policy. Those are Great Britain and Russia. Liberal may succeed Conservative in the one and Nicholas II follow Alexander III in the other and domestic matters fluctuate like the tides, but the foreign policy goes on like a river, unmodified by the fall of cabinets and the death of tsars. In all the other States change of ruler is usually attended by complete change in the diplomatic personnel.

Yet America has not been all transition. William Hunter was Second Assistant Secretary of State for over fifty years. Henry Wheaton represented America at Copenhagen and Berlin more than twenty years. G. P. Marsh was minister resident over twenty-five years. H. C. Hall served as consul in Cuba and minister to Central America twenty-nine years. And there are others whose tenure has been equally or almost equally long. A secretaryship of legation may be a position for life.

One wonders how our commencement graduates can find place in the already overcrowded professions of law, medicine, and divinity; and yet, as Daniel Webster said, there is always room up there. So is there for the American youth who wishes to enter diplomacy.

Or does American diplomacy offer only an uncertain title and promise nothing in possibility of real accomplishment? Yet here the immensity of its achievement covers the whole nineteenth century domain of international law. It has broken the caste shackles of birth and successfully asserted the right of expatriation, a principle formerly denied by every foreign State. It has declared the seas and straits and continental rivers God's highways, designed to be free for men, and, except as to the Thracian Bosphorus, has won the assent of all. It has compelled the rights of neutrals to be recognized by every civilized people. Now it is building the scaffolding for another achievement no less great—the exemption of private property from capture on sea as it is exempt from capture on land.

No man having drunk old wine straightway desireth new, for, he saith, the old is better. David on his way to victory refused the brazen helmet and the sword of Saul, because he had not proved them. He won the duel with the weapons that he knew.



This year as also last three famous universities held a regatta. One crew rowed with a foreign stroke, one with a stroke half foreign and half American, one with an American stroke. The result is worthy of remembrance. I think some of us were there. In the van flashed the boat propelled by the stroke of their American sires. In honorable but not dangerous nearness followed the oarsmen with the stroke half foreign and half American; and the gallant crew whose university had won its share of aquatic victories, but which had now been taught a foreign training, was left behind.

In diplomacy the American stroke is the stroke for us, whether on the Thames, the Seine, the Tiber, the Spree, the Neva, the Wein, or amid the islands of the China Sea; and that, not because of provincial prejudice or national pride, but because of the facts of history.

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XIV.—LESSONS FROM THE RECENT HISTORY OF EUROPEAN  
DEPENDENCIES.

By HENRY E. BOURNE, B. D.,  
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## LESSONS FROM THE RECENT HISTORY OF EUROPEAN DEPENDENCIES.

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By HENRY E. BOURNE.

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The prospect that the Senate will ratify the action of the President in negotiating the transfer of Porto Rico and the Philippines has aroused vague apprehensions for the future of our country, and has excited fears that we are not prepared successfully to solve the problem of controlling dependencies in the tropics. And these fears are not removed when it is explained that ever since the Louisiana purchase, to go no further back, the United States has had colonies, and that Congress devised a wise system of administration for them, which met their needs until they were ready for statehood. It can not be forgotten that mere distance across country, on the same parallels of latitude, offers no such obstacle to normal expansion as distance over the seas and southward into tropical lands already occupied by an alien or barbarous population. The only instance in our territorial history of an expansion at all comparable to the taking of the Philippines is the acquirement of Alaska, and this possession Congress has notoriously neglected.

The obstacle of distance, time, climate, and character of the population does not apply with such force to Porto Rico as to the Philippines; so it is the problem of the Philippines which chiefly needs to be illustrated.

The eagerness of many for the acquisition of the Philippines can not be understood if the subject be approached, as so often it is, solely from the point of view of our own isolated experience, or of our constitutional development. May it not be that the impending event, seemingly either a blunder or the mere result of chance, will, in the light of subsequent experience, appear to have been such a step as a nation instinctively takes at a certain stage of its career? If there be an element of

truth in this way of looking at the matter, we should consider our present course in relation to that long series of deeds which has finally gained for Europe control of the world, for in a sense our national history is made up of incidents in this process.

What an immense displacement of population and power separates the Europe of the sixteenth century, frightened because the Asiatic had penetrated to the center of the continent, from the Europe of to-day, and yet the energy which has brought about this revolution has often, and equally in these last days, been instinctive and unreasoning! Wise men in each generation have condemned the aims of the empire-builders—the Duplexes, the Warren Hastingses. Would it not be curious if we, in some ways the most remarkable product of this European energy, should lose the inherited venturesome spirit and should stand by indifferent, declining any part in the present struggle? This would be all the more surprising in view of the fact that under the garb of the Monroe doctrine we have already asserted an imperial authority in this hemisphere.

It is true there are contrasts between our situation and that of the leaders of this struggle for expansion. Germany has been moved, partly at least, by the hope that her African and Oceanic dependencies might attract the German emigrant, and save him from losing his nationality in English speaking America. England, too, has been forced to provide for a rapidly growing population. But the motive to expansion from surplus population has been made too much of in these discussions, as a glance at the history of the subject will show. And even this cause is not wholly inoperative with us also; for though we are not overpopulated in the European sense, nevertheless with each increase of population the range of opportunity for the individual becomes smaller; and, indeed, it is now ominously smaller than in the years when the great railroads were laid down and the public lands opened for settlement. Readjustment to new conditions is a slow process, and meantime the symptoms of overpopulation may appear, with that restlessness which makes a nation willing to begin the venturesome enterprise of holding dependencies.

During the last fifteen or twenty years the rivalry between European peoples for the remnants of the earth has amounted almost to a mania. Africa was first on the boards, but since 1894 it has been the far east with a Fashoda interlude. The impelling motive, where it has not been an instinctive desire

for supremacy, is the determination of each power to have a foothold from which to gain a share of the wealth which these lands have long poured into the lap of Europe, and which now the opening resources of China seem particularly to promise. This determination grows stronger with the accumulation of savings for which it becomes harder to find profitable investments. Apparently Europe and her children conceive of the earth as a vast industrial opportunity. If they discover lands as yet unexploited, they study their resources with that personal interest the farmer takes in some outlying field into which he plans to thrust his plowshare next season. They devise new ways of increasing the hunger and thirst of the native for commodities. The naked must be clothed—to open a market for cottons and woollens. In the words of a distinguished official, “If 8,000,000 of people in southern seas, so rude as not to use bedsteads, or so poor as not to be able to buy them, can by the stimulating influences of civilization be brought to desire and acquire them, by so much our problem is solved.” This conception is all the commoner because the telegraph and steamship have brought the weak dangerously close to the eyes of the strong.

Now, nowhere and at no time has the argument from physical force been more effectively used than in the far east, both by Europeans with natives and by Europeans with one another. It is obvious to continental statesmen that they who wish trade through an “open door” must set a foot in that door. It would be strange if we were wholly unaffected by this sentiment and if it were not one of those forces drawing us irresistibly into the Philippine adventure.

Up to this point I have tried simply to set our new experience in its larger relations and to suggest a line of inquiry rather than to offer definite conclusions. I wish now to indicate certain European experiments in the government of dependencies which may advantageously be studied for their suggestiveness upon the three most important elements in the Philippine problem, namely, tariff charges, method of controlling natives, and labor. These experiments are Indo-China, the Malay protectorates, and Java.

Dependencies, rather than colonies, should be selected, because it is unreasonable to suppose that the Philippines, situated in the Tropics halfway round the circle of the earth, can ever be colonized, in the technical sense of the word.

Beyond the fact that Indo-China, the Malay States, and Java are dependencies, their history is in point because they are at about the same distance from England, France, and Holland as the Philippines are from the United States. They are also inhabited by races which have attained a similar stage of civilization.

A tariff system for the Philippines may be devised with one of two aims chiefly in mind, either a revenue adequate to local needs, or the control of commerce for the benefit of the American merchant. If the latter aim were likely to find many advocates it would be pertinent to inquire how successful such efforts have been in Indo-China, which is as largely outside the natural trade territory of France as the Philippines are outside our own.

M. de Lanessan, himself a successful governor-general of Indo-China, says the aim of the law of 1892, by which the commerce of the French colonies is now controlled, was to provide "that the French products be in all cases strongly protected and that foreign products be taxed high enough to keep them out so far as possible." It would be expected that if France sought in such a way to monopolize the trade of her dependencies, she would have been willing to admit their products to her ports on as favorable terms as she demanded of them for her own products. Such was not the case. Although she granted a differential in favor of colonial as against foreign teas and coffees, still in the case of rice, the principal export of Cochin-China, she was restrained by the fears of the French farmer, and has kept the duty high.

Since France has been unable to manufacture and transport to Indo-China the goods demanded by the trade at so low a cost as competing producers, this tariff system has had as its first result a burdensome tax on colonists and natives, which must have retarded the development of the dependency.

In addition to the tariff, excessive tonnage dues, and doubled for foreign ships, have hampered trade. Henry Norman says a little steamer on which he traveled was obliged to pay at Hai-Fong \$302.40, while its charges at Hongkong had been only \$4.

Furthermore, like the English attitude toward the American colonies in the eighteenth century, the French manufacturer has jealously watched any attempt to set up rival plants in Indo-China. A great outcry was raised against De Lanessan.

san because he had encouraged the establishment of a cotton mill at Ha-Noi. When he went so far as to offer prizes for the manufacture of silk, he was compelled by the colonial authorities, and at the instance of the silk interests, to withdraw the offer. French economists and colonists alike denounce such a policy as fatal to the prospects of the dependency. Their protests have led to certain modifications, which, however, are regarded as mere palliatives.

It is too early to determine the full effects of this legislation, but thus far it has not succeeded in diverting trade from its old channels. Moreover, an attempt at monopoly, which can only control one-fifth of a small commerce of \$56,000,000, is not an astonishing success. This showing is the more discouraging, because the revenue raised by taxation (including customs) can not be made to cover expenditures except by skillfully subtracting the charge for the war establishment necessary to maintain French authority.

So instructive an economic experiment, made over against the Philippines just across the China Sea, deserves something better than this rough sketch, for if the attempt be as bad a failure as the Frenchmen best able to judge seem to think, it will not be profitable for the United States to enforce the record of folly by another example.

Down beyond the equator is Java, prospering under a liberal system of tariffs, and its history also should be studied. But here the problem is unusually complex, first because of the unique organization of labor; secondly, because Java's prosperity has been recently compromised by a blight widely destructive to the coffee trees. The statistics of the trade since 1874, when the last of the old restrictions were removed, indicate that the Dutch have not seen their colonial trade seized by competing nations. Indeed, the trade with England has fallen off heavily, while the trade with Holland itself has increased.

In studying the tariff systems arranged by Europe for their dependencies, some distinction should doubtless be made between the attempt to control the prospective trade of an undeveloped possession and the attempt to seize and divert the existing trade of a newly acquired dependency without reference to the interests of the inhabitants. Such conduct can be possible only by a cynical or stupid disregard for the rights of persons not allowed to have a voice in the matter. It is simply



an ancient and odious sort of "taxation without representation." The species of representation which Cuba had in the Cortes and which Indo-China has in the Chamber of Deputies, aggravates the wrong.

Such a differential tariff as France first arranged for Madagascar about two years ago is not open to as serious criticism, for the self-governing colonies of England seem to be moving toward a similar policy of strengthening the bonds of empire. And, within the last few months, by order in council, the principle of commercial union with England has been made a part of the fundamental law of Rhodesia.

The career of the Dutch, English, and French in the far East has even a greater interest for the light it may throw upon the problem of administration in the Philippines. This problem is not everywhere the same in the Philippine Islands, for although the natives are principally Malays, they differ from one another, and especially the Moro from the Visayan, the Ilocano, and the Tagalog. According to Professor Worcester's description of the Sulu Sultanate, effective Spanish administration in Sulu has been possible only when every Moro who ventured armed across the "dead" line toward the town, was shot. This was in the days of the admired General Arolas. A successor of Arolas thought it was time to take a further step and to tax these fierce followers of the Prophet, but he and most of his soldiers were murdered for their pains. Perhaps for these people we shall adapt an old maxim of national administration and say that a "good Moro is a dead Moro."

There is one striking difference between the Philippine situation and the situation in Indo-China or Java, and this is the absence, except in the sultanate of Sulu, of any native authority of wide influence and of long standing. It is all the easier to make the blunder of organizing the local administration without regard to native institutions and traditions. The fundamental principle of the most successful European system of control has been to work through native authorities already constituted, scrupulously to respect the existing order—social, religious, and even the political, so far as possible—and to avoid wounding the susceptibilities of the inhabitants.

No nation has had greater success in managing natives jealous of foreign interference than have the Dutch. Though hard fighters when there was fighting to be done, they have appreciated the blessings of the guilders more than the glories

of barren conquests. Unlike the Portuguese and the Spaniards, they interfered little with the religion of the natives, perhaps not from a finer sense of the rights of others. If occasionally the unsavory mixture of chicanery and force which they have employed in establishing their control over the natives in Java and elsewhere excites a feeling of repugnance, such conduct is pleasanter to contemplate than the frank brutality too often displayed by others, for it is a tacit concession that the susceptibilities, if not the rights, of the inhabitants deserve respect. So carefully veiled is the rule of the Dutch in Java, even at the present day, that the simple-minded inhabitants regard themselves as under the rule of their old masters, from the petty village chief or the provincial regent up to the Emperor at Surakarta and the Sultan at Jokakarta. But over each province the Dutch have placed a resident whose advice is mandatory upon the regents. The natives regard the resident as the "elder brother" of the regent; and the elder brother is the autocrat of the Javanese household in the absence of the father. By preserving this innocent disguise and by bargaining with each new regent as he succeeds to power, a comparatively small body of Dutch officials has been able to control the most densely peopled land in the world.

No such mechanism of administration could be managed by officials selected because of their success in keeping political factions in line at home. It is by rigidly excluding the possibility of appointment to colonial positions on other grounds than those of training and fitness that a remarkable administrative personnel has been created. Assuredly we can learn a lesson here from the Dutch as well as from the English in their organization of the India civil service, which is more frequently referred to. Both rest practically on the same principle.

The young Dutchman who is ambitious for a colonial career is trained at Delft, or at Leiden, or at Batavia. His course of study is shaped so that he may be fitted for the particular function which he is to perform. Before he may reach the higher posts he must pass through examinations upon the "history, geography, and ethnology of the Indies, their laws civil and religious, the political institutions and customs of the natives, the Malay and Javanese languages." If a candidate desires to become a magistrate, he must be master not only of

the colonial law, but also of the Mohammedan law. Nor, after he has passed the examinations and entered the service as a salaried official, is he immediately intrusted with responsibilities. He must first, if on the lowest round of the administrative ladder, serve a sort of apprenticeship under one of the controllers or assistant residents. As he climbs from one step to another he is sure of being well paid for the risks he runs from the tropical climate, and of finally being retired on a generous pension.

Earlier in the century, when the Dutch regarded Java too exclusively under the aspect of an exhaustless supply for the necessities of the home Government, the officials were ready to wink at the oppressions of the native chiefs through whom they ruled, if only these chiefs turned over the supplies of coffee and sugar required; but recently another spirit has taken possession of the Dutch administration, and the exploitation of Java is becoming a matter of history.

The English in the protected Malay States have employed the same system of veiled authority with equal effectiveness. Nominally, the British resident is only an adviser of the Malay Sultan, and there is a council of state in which authority is supposed to reside, but the word of the resident is law. And yet, as the resident keeps in the background, the oriental is able to "save his face," which soothes his susceptibilities, even if it does not altogether reconcile him to the loss of power.

Two reasons have kept the French from becoming equally successful in the management of the affairs in Indo-China. There are not lacking men in France who appreciate the importance of the considerations which have weighed with the Dutch. But political turbulence at home has made the colonial policy often shifting and inconsequent, if not careless and ignorant. Moreover, the necessity of supplying places for office seekers has been a factor for evil.

To illustrate the first, the French Protectorate in Cambodia was left so badly organized for the first twenty years of its existence that the native king was able to thwart the purposes of the resident continually. Finally the colonial authorities determined radically to alter the conditions of French control and forced upon the king the convention of 1884, which Leroy-Beaulieu characterizes as in effect "making the feudal society over into a democracy at once, although six centuries had been required in France for this transformation and although

Orientalists profess a reverence both touching and tenacious for tradition and for *mores majorum*." There could be only one result. Before the end of the year the country was in a state of anarchy. The natives fled to the forests to escape rebel chiefs and French troops alike, and no progress could be made toward establishing good order until the obnoxious treaty was rescinded. A few years later, without any display of force or even a formal agreement, De Lanessan was able to gain from the king every concession needed for the effectiveness of the Protectorate by carefully working through the native authorities, and not ignoring them or violating their traditional customs.

The mistake of the French in Cambodia was one of those typical blunders likely to be made by people so enamored of their own institutions and their achievements as to be quite forgetful or contemptuous of the point of view of the natives, upon whom they propose to force the blessings of civilization, at the point of the bayonet if need be.

The second reason for French failure has, as already stated, grown out of the necessity of finding places for office seekers and young men anxious to wear the uniform of a functionary. From this it has resulted that many places which might have been filled by natives are held by Frenchmen at an expenditure burdensome to the resources of the dependency. Even the keeper of the Hanoi cemetery has been a Frenchman, who, in addition to his salary, receives his expenses out to Tonkin and back. Indeed the larger part of the colonial population is made up of office holders, and many of the rest are contractors. The French under secretary of state for the colonies exclaimed in the chamber of deputies in 1890, "Of the 80,000 francs appropriated this year for the public works in Cochin-China, what do you think is allotted to salaries in the public-works department? It is 80,000 francs—80,000 francs in salaries out of 80,000 francs worth of public works." Evidently here is a state of things which, allowing for the exaggeration incident to a controversy, would be hard to equal in the dependencies of any other country except Spain.

The labor problem in the Philippines is not less difficult than the administrative problem. Like all people in the tropics the Filipinos are disinclined to hard work. Professor Worcester says: "The average Visayan, with a couple of bushels of shelled corn or a caban of rice in the house and a bit of dry fish for

dessert, wisely lies on the floor, smokes his cigarette, thrums his guitar, and composes extemporaneous songs on current events." What is true of the Visayans is true of the others, with the exception of two or three tribes living on less favored islands. But for the tribute exacted by the Spanish Government up to 1884, and the personal taxes levied since that time, the natives would have been even less industrious than they are.

The experiment of the Dutch in Java, called the culture system, has been the most successful attempt to turn the native of the tropics into an energetic producer. It rested on the *corvée*, or labor tax, the right to which the Dutch inherited from those they supplanted. Although this phase of Dutch rule in Java has had its eulogists and its critics, the fact remains that the Dutch have been obliged by public opinion at home, first to modify the system and then largely to abandon it. Even the coffee lands, its last refuge, are now passing out of government control. But it can throw little light upon the Philippine problem, in spite of the fact that under the Spanish rule the right to exact labor has been preserved. The *corvée* there has not, however, called for so many days of labor and, except to some extent in the tobacco industry, the Spanish officials seem to have found it chiefly valuable as a means for filling their pockets.

There is one factor in the labor problem in the east which offers a solution and this is the Chinese. They emigrate freely, they are industrious, and, under wise management, peaceable or at least controllable. The French have tried to keep them out by heavy taxes; the poll tax on the Asiatic ranging from \$7 to \$80. Judging from other European experiences, this tax is suggested by prejudice rather than by a just view of the needs of the situation. A Chinese exclusion act, which may be an advantage to the Pacific States, in the far eastern tropics is out of place.

Undoubtedly there are other experiments in the control of dependencies which are worth careful study that the Philippine problem may be set in the full light of experience, but certainly the study of that great region, of which ethnologically and historically as well as geographically these islands form a part, deserves the serious attention of thoughtful Americans at the present time.

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**XV.—THE CONSTITUTIONAL QUESTIONS INCIDENT TO THE  
ACQUISITION AND GOVERNMENT BY THE UNITED  
STATES OF ISLAND TERRITORIES.**

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**By SIMEON E. BALDWIN, LL. D.,  
PROFESSOR OF CONSTITUTIONAL LAW IN YALE UNIVERSITY.**



## THE CONSTITUTIONAL QUESTIONS INCIDENT TO THE ACQUISITION AND GOVERNMENT BY THE UNITED STATES OF ISLAND TERRITORIES.

By SIMEON E. BALDWIN.

In one of the papers read at the meeting of this Association held at Chicago in connection with the Columbian Exposition in 1893, it was predicted that "the North American Continent, with every island on the east, and the Hawaiian group upon the west, all bound to it as satellites to their planet, will, if we continue in our historic policy as to annexation, eventually come under the flag of the United States."<sup>1</sup>

The last year has made Hawaii ours, and a treaty is pending for ratification under which a cession is made of Porto Rico and the Philippines, while Cuba is surrendered into our possession under circumstances which it is not impossible may lead eventually to our assumption there of absolute sovereignty.

Whether the treaty should be ratified by the Senate is a question of a political character, with the discussion of which this Association has no concern. It may, however, properly endeavor to contribute what aid it can in tracing the historical course of constitutional construction and judicial decision as to the power to acquire such territory and, when acquired, to govern and dispose of it.

The United States have now for nearly a century been studying out for the benefit of the world a new problem in politics. It is that presented by a Federal Government, formed for a broad land and a great people, under a written Constitution which makes it a nation for certain purposes, when it reaches out into other lands and over other peoples and seeks to incorporate them into itself. Rome and England in developing their colonial systems had no paper limitations to contend with.

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<sup>1</sup> Report of the American Historical Association for 1893, p. 389.



Are those to which we are subjected to be help or hindrance in working out our destiny and holding our proper place among the great powers of the modern world?

It is a difficult thing for the men of one age to lay down conditions of political existence for those of the next. The framers of the Constitution of the United States knew this so well that they were careful to make it brief, and to leave its character and effect largely to be wrought out by practical construction and public sentiment. Particularly was this true of what they did toward providing for the regulation of such territory as the United States might possess outside the limits of any particular State.

Experience had already taught a useful lesson on that subject. In 1784 the Congress of the Confederation had adopted certain principles and rules to determine the government and future political condition of the Northwestern Territory. These provided for the ultimate division of it into States, whose boundaries were fixed by lines of latitude and longitude, and it was declared that the several articles should constitute a "charter of compact," and "stand as fundamental constitutions between the thirteen original States and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State pursuant to this resolve, but by the joint consent of the United States in Congress assembled and of the particular State within which such alteration is proposed to be made."<sup>1</sup> Three years later, however, this act was repealed, and another scheme adopted, making radically different provision as to the number and boundaries of the new States to be formed out of this territory, and the conditions of statehood. This "ordinance of 1787" also stated certain principles and rules of government which, it declared, should be "articles of compact between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent." It was passed while the constitutional convention was in session. Eleven of the members of that body were also in Congress. Three of them sat in it and voted on the adoption of the ordinance; two, Blount, of North Carolina, and Few, of Georgia, in its favor, and one, Chief Justice Yates, of New York, against it, he being the only member of Congress who

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<sup>1</sup> Journals of Congress, LX, 155.

was counted in the negative.<sup>1</sup> Among the other eight men who belonged to both bodies were Madison, Sherman, Johnson, and King. It would have been no difficult task for them to have carried through the convention a proposition to make this "unalterable" ordinance, adopted by the United States in July, a part of the new constitution which was to be put before the United States in the following September. That they did not attempt it showed their good sense. They saw, more clearly than Congress had, that to lay down rigid rules governing the rise and growth of new States, within a vast stretch of territory, for all time, was unwise, if not impracticable. They left the ordinance of 1787 to be dealt with by the United States under their second constitution, as the ordinance of 1784 had been dealt with under their first—as a measure of ordinary legislation. It was recognized as in force in 1789<sup>2</sup> by the first Congress under the new administration, and at the same time so amended as to adapt it to the new condition of things incident to the creation of the office of President of the United States. Thenceforth it continued to exercise a controlling influence in shaping the traditions and usages of the frontier settlements, which afterwards spread into great States; but it had no constitutional character.<sup>3</sup>

The United States are, for certain purposes, a nation, and however limited those purposes, they must have, so far as those limits go, every power which is fairly incidental to national existence.

One of these purposes is the conduct of all the foreign relations of the American people, whether in war or peace. Marshall therefore, when the question of territorial expansion came before the courts,<sup>4</sup> had no difficulty in confirming, as incidental to the Executive power, what his great adversary in national politics, Jefferson, had at first hesitated to claim as a right, the prerogative of acquiring new territory either by conquest or cession from a foreign power.

The legislative department had not shared in Jefferson's doubts. The Louisiana purchase was a political event of far greater importance to the country than any of those which have marked the year 1898. It gave rise to animated discussion in both Houses of Congress, but it may fairly be said

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<sup>1</sup> Journals of Congress, XII, 93.

<sup>2</sup> Act of August 7, 1789.

<sup>3</sup> *Strader v. Graham*, 10 How., 82, 96.

<sup>4</sup> *American Insurance Co. v. Canter*, 1 Peters's Reports, 533.

that neither of the great parties of the day put in question the right of the President and Senate to make the treaty, and so bring the vast territory which it embraced under the sovereignty of the United States. The controverted points were, first, the policy of the measure, and, second, the nature of the relation created between the inhabitants whose allegiance was transferred and the soil itself, on the one hand, and the United States on the other. It was claimed by some in debate to bring them under the flag but not into the Union; to make the people subjects rather than citizens, and the land on which they dwelt the property of our Government, but no part, properly speaking, of the United States. We could hold it, they said, and control it as any man can hold and control a farm which he has bought, by right of proprietorship, to be kept or sold, tilled or left fallow, at pleasure: it was, in short, a proper field for a strictly colonial government. A few asserted that the United States could set up no laws anywhere that were not founded on the consent of the governed.<sup>1</sup>

The question thus debated in the fall of 1803 was a practical and pressing one. France had appointed in June a commissioner to deliver possession, and was anxious to get the purchase money into her treasury. The people who were the subject of the transfer were uneasy and dissatisfied. Expedition was necessary. If in the presence of such conditions all political parties were in agreement as to the main doctrine to be applied, the precedent as a record of legislative construction on a point of constitutional law is of all the more importance.

The act of Congress of October 31, 1803, passed by large majorities in each house to meet the case, was a brief one. It gave the President *carte blanche*. He was authorized to take possession and occupy, using such force as might be necessary to maintain the authority of the United States, and calling out not exceeding 80,000 of the State militia if he thought proper. Then followed this plenary grant of general authority:

That, until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct, for maintaining and protect-

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<sup>1</sup> The debates are well summarized in Adams's *Hist. of the United States*, II, 100-115.

ing the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion.

Jefferson immediately dispatched commissioners to New Orleans to receive the surrender of possession, and invested one of them, Governor Claiborne, of the Territory of Mississippi, with all the powers theretofore exercised over the Louisiana territory by the governor-general and intendant under the authority of Spain. This made him a temporary king, and constituted the system of government under which Louisiana remained until October of the following year.

The governor-general, under the laws and usages of Spain, had almost royal authority. He promulgated ordinances which had the force of a statute. He appointed and removed at pleasure commandants over each local subdivision of territory.<sup>1</sup> He presided over the highest court. The intendant, however, was a counterpoise. He was chief of the departments of finance and commerce. He acted as a comptroller-general, on whose warrant only could payments be made from the treasury.<sup>2</sup> He was also judge of the courts of admiralty and exchequer. Both these offices Jefferson put in the hands of one man.

Judicial proceedings were conducted in the forms of the civil law. A son, whose father was living, could not sue without his consent, nor persons belonging to a religious order without that of their superior.<sup>3</sup> He who reviled the Savior or the Virgin Mary had his tongue cut out and his property confiscated.<sup>4</sup> A married woman convicted of adultery and her paramour were to be delivered up to the will of the husband, with the reserve, however, that if he killed one he must kill both.<sup>5</sup>

All travelers, previous to circulating any news of importance, were bound to relate it to the syndie of the district, who might forbid it to go farther if he thought such prohibition would be for the public good.<sup>6</sup>

There was a religious establishment. Two canons and twenty-five curates received salaries from the public treasury.<sup>7</sup>

A considerable code of laws, of which those to which I have referred are not unfair examples, was thus left to be adminis-

<sup>1</sup> Pub. Doc. 8th Cong. An Account of Louisiana, being an Abstract of Documents in the Offices of the Department of State, and of the Treasury, Nov., 1803, 39, 40.

<sup>2</sup> An Account of Louisiana, etc., 33, 41.

<sup>3</sup> Ibid., App. XXVIII.

<sup>4</sup> Ibid., XLV.

<sup>5</sup> Ibid., XLVI.

<sup>6</sup> Ibid., LXXI.

<sup>7</sup> Ibid., 38.

tered or superseded and replaced by others, for an uncertain period, at the will of one man, an agent of the executive power.

The Federalists in Congress, while willing, if not anxious that Louisiana should be governed as a colonial dependence, objected to the passage of this act on the ground that it set up a despotism incompatible with the Constitution. The answer of the leaders of the party in power was that Congress had an authority in the Territories which it had not in the States, and that the United States were acting in the rightful capacity of sovereigns, precisely as Spain and France had acted before them.<sup>1</sup>

In the case decided by Chief Justice Marshall, twenty-five years later, to which allusion has already been made, that of the American Insurance Company against Canter, the counsel for the defendant, one of whom was Daniel Webster, claimed in argument that the Constitution and laws of the United States did not extend over Florida upon its cession by Spain. The usages of nations, they said, had never conceded to the inhabitants of either conquered or ceded territory a right to participate in the privileges of the constitution of the country to which their allegiance had been transferred. Congress might therefore govern them at its will.<sup>2</sup> The court, in its opinion, went with them to a certain point, but no further. Marshall declared that these inhabitants, though made by the treaty of cession citizens of the United States, acquired no right to share in political power, and also that the provision of the Constitution that the judicial power of the United States should be vested in courts of a certain description did not apply to such courts as Congress had provided for Florida. His argument on this, the turning point of the case, was hardly worthy of so great a judge. No reference was made to the necessary correlation between the legislative and the judicial powers which he had expounded so luminously a few years before in the case of the United States Bank.<sup>3</sup> The Constitution, he said, required that the judges of the courts, which it contemplated, should hold office for good behavior. The act of Congress for the government of the Territory of Florida set up courts the judges of which were to hold office only for four years. Therefore the Constitution did not apply to them.

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<sup>1</sup> Adams's Hist., II, 119.

<sup>2</sup> 1 Peters's Reports, 533, 538.

<sup>3</sup> Osborn v. Bank of the United States, 9 Wheaton's Reports, 738.

What were they, then? Legislative courts, not exercising any of the judicial power conferred by the people in the grant made and defined in the third article of the Constitution, but having a jurisdiction "conferred by Congress in the execution of those general powers which that body possesses over the Territories of the United States." \* \* \* "In legislating for them Congress exercises the combined powers of the General and of a State government."

The clause of the Constitution which gives Congress "power to make all needful rules and regulations respecting the territory or other property of the United States," is not found in the first article, which deals with the general legislative powers granted by the people and vested in Congress. It was inserted in the fourth, in which, after the legislative, executive, and judicial powers had been separately dealt with, are gathered together certain rules to govern the relations of the States to each other, the character of their government, and the privileges of their citizens; and the place assigned it (section 3) is in immediate and significant connection with the provision as to the admission of new States. It came from the skillful pen of Gouverneur Morris, and was adopted by the Constitutional Convention after a protracted debate as to the expediency of putting every new State formed out of the Western territory on a position of equality with the old thirteen.<sup>1</sup> His letters tell us that he was fully alive to the possibilities of indefinite territorial expansion, "knowing then," he wrote at the time of the Louisiana purchase, "as well as I do now, that all North America must at length be annexed to us—happy, indeed, if the lust of possession stop there."<sup>2</sup> The convention was sitting under a government whose constitution provided<sup>3</sup> that "Canada, acceding to this confederation and joining in the measures of the United States, shall be admitted into and entitled to all the advantages of this union." There were already considerable settlements outside the limits of any State, but within those of the United States. Mr. Gorham had said on the floor, during the preceding month, that Kentucky, Vermont, the Province of Maine, and Franklin would probably soon be added as new States.<sup>4</sup> Franklin was already claiming to be one, and had had a constitution and set of public officers of her own choosing since 1785; nor did the course of legisla-

<sup>1</sup> Elliott's Debates, V, 492-497.

<sup>2</sup> Morris's Diary and Works, II, 442.

<sup>3</sup> Articles of Confederation, Art. XI.

<sup>4</sup> Elliott's Debates, V, 356, 493.

tion on which she had embarked encourage reliance on the good sense of our outlying Territories to govern themselves<sup>1</sup>

It was in the face of such social conditions—of Franklin resisting the authority of North Carolina, and Vermont resisting that of New York and New Hampshire, in the same spirit that led to the cry of “squatter sovereignty” during the closing years of the long struggle against slavery in the territories—that the convention of 1787 was led by Morris to tuck away in this obscure corner of the Constitution a grant which, as interpreted by the courts, was to give Congress almost absolute rule over thousands and perhaps millions of men.

The other legislative powers granted by the people, so far at least as the express terms of the Constitution are concerned, are either limited in scope or else confined to some narrow field of operation. The right to regulate the Territories, so far as may be “needful,” is given with no other definition of its bounds; and who but Congress is to say how far that need extends? As to them, Congress has, and it was meant by Morris that it should have,<sup>2</sup> every power incident to an independent sovereignty, unless limitations are to be read into the grant from its collocation, and by force of the fundamental

<sup>1</sup> In one of Webster's speeches in the Senate (Webster's Speeches, ed. of 1850, III, 357) he read what professed to be one of the last enactments of the State of Franklin. It was as follows:

“Be it enacted by the general assembly of the State of Franklin, and it is hereby enacted by the authority of the same, That from the first day of January, A. D. 1789, the salaries of the civil officers of this Commonwealth be as follows, to wit: His excellency the governor per annum, one thousand deerskins; his honor the chief justice, five hundred deerskins; the attorney-general, five hundred deerskins; secretary to his excellency the governor, five hundred raccoon skins; the treasurer of the State, four hundred and fifty otter skins; each county clerk, three hundred beaver skins, clerk of the house of commons, two hundred raccoon skins; members of assembly per diem, three raccoon skins; justice's fee for signing a warrant, one muskrat skin; to the constable for serving a warrant, one mink skin.

“Enacted into a law this 18th day of October, 1788, under the great seal of the State.

“Witness his excellency, &c.

“Governor, Captain-General, Commander in Chief, and  
Admiral in and over said State.”

The records of the Franklin legislature were never officially published, except by being read aloud in each county at the opening of the next county court, and it is probable that no statute in this precise form was ever passed, or, indeed, any statute of so late a date. (Haywood's Civil and Political Hist. of Tenn., 181, 194, 200, 206.) In 1785, however, one quite similar in effect was adopted, under which salaries were payable “in kind” and at prices as follows: “Casod otter skins, 6 shillings; uncased otter skins, 5 shillings; raccoon and fox skins, 1 shilling and 3 pence;” \* \* \* “good distilled rye whiskey, 2 shillings and 6 pence per gallon; good peach or apple brandy at 3 shillings per gallon,” \* \* \* “or in current money of the State of Franklin.” (Haywood's Hist., 163, 164; Ramsey's Hist. of Tenn., 297, 379.)

<sup>2</sup>Scott v. Sandford, 19 Howard's Report, 507.

principles on which the whole Constitution rests, or of certain of its general prohibitions and guaranties.

The judicial powers granted to the courts of the United States are carefully enumerated, and cover comparatively few of the ordinary controversies that become the subject of litigation. Those which Congress can put in the hands of its deputies for the Territories extend over the whole domain of jurisprudence.

The executive power of the United States alone stands as to the Territories on the same footing which it occupies as respects the States. Congress may create Territorial offices, but it can not fill them. Appointments must come from another source, and, so far at least as the leading positions are concerned, are ineffectual until commissions are signed by the President.<sup>1</sup> Probably also he has a power of removal at will, even of the judges.<sup>2</sup> Certainly he has a far greater prerogative. Until Congress acts for the regulation of any particular Territory which the United States may acquire, the President is under the constitutional duty to see that the authority of the United States is recognized there and the peace of the United States maintained. If the acquisition be by conquest, its government falls to him from the first as the commander in chief of the national forces. If it be by treaty, he must take possession, and control it through such temporary agencies as he may think proper, until Congress sees fit to act.<sup>3</sup>

Whether there are any provisions in the Constitution, or principles that underly it, which operate as partial restrictions upon the sovereign authority of Congress over the Territories, is a question which has repeatedly been presented to the Supreme Court of the United States, and to which its response has had a somewhat uncertain sound. In 1850, in a case turning upon the effect of a Territorial statute in Florida, the court spoke thus of Territorial governments in general:

They are legislative governments, and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities. There is but one system of government, or of laws operating within their limits, as neither is subject to the constitutional

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<sup>1</sup> Const. Art. II, sec. 3.

<sup>2</sup> *McAllister v. United States*, 141 United States Reports, 174, 178; *Parsons v. United States*, 167 United States Reports, 324, 333.

<sup>3</sup> *Fleming v. Page*, 9 Howard's Reports, 602; *Cross v. Robinson*, 16 Howard's Reports, 164, 193.



provisions in respect to State and Federal jurisdiction. They are not organized under the Constitution, nor subject to its complex distribution of the powers of government, as the organic law, but are the creations exclusively of the legislative department, and subject to its supervision and control. Whether or not there are provisions in that instrument which extend to and act upon these Territorial governments, it is not now material to examine.<sup>1</sup>

This opinion was delivered while political discussion was still rife as to whether Congress could prohibit slavery in the Territories. The Mexican war had stretched our boundaries to the Pacific. The Wilmot proviso, in 1846, brought the question we are now considering into sharp and sudden prominence. General Cass had been made the Democratic candidate for the Presidency in 1848, in view and in no small part in consequence of an open letter to his political friends, written the year before, in which he told them that the right of Congress to regulate the Territory and other property of the United States would naturally be construed as merely designed to embrace property regulations; that it had been pushed further in practice "by rather a violent implication," but that it was "a doubtful and invidious authority," and "should be limited to the creation of proper governments for new countries, acquired or settled, and to the necessary provision for their eventual admission into the Union, leaving in the meantime to the people inhabiting them to regulate their internal concerns in their own way."<sup>2</sup>

The question was a troublesome one for politicians, as well as for jurists. If the Missouri compromise of 1820 was to be upheld, it must be because Congress could rightfully legislate as to the domestic institutions of the Territories. If it was to be broken through by the Wilmot proviso, it was also because Congress had that power.

Some of the Whig leaders now took the ground that the power to legislate for Territories in this and all other matters existed, but was rather one resting on implication than upon express grant. John Davis, of Massachusetts, defended this doctrine in the Senate, but said that the exercise of the power was to be controlled by the fundamental maxims of the Constitution. Calhoun came nearly to the same position. The "needful rules and regulations clause," he said, "conferred no governmental power whatever." But the Constitution recog-

<sup>1</sup> *Benner v. Porter*, 9 Howard's Reports, 242.

<sup>2</sup> Letter of December 24, 1847, to A. O. P. Nicholson.



nized slavery. Slaves were therefore property, so far as the United States were concerned. The citizens of the United States were entitled to free access to every part of its unoccupied Territories. They must be allowed to take their property with them. A sovereign State might abolish slavery within its limits. Into that State a slaveholder could not thereafter take this kind of property and hold it in possession. But the Constitution shielded him in the Territories, for they took their political character solely from the United States and the Constitution was their supreme law.

Davis's colleague was Daniel Webster. He met the issue in the line of his argument at the bar before Marshall, twenty years before, by denying that the Constitution had any operation in the Territories until acts of Congress were made to enforce it; it was made for the States, and not for territorial possessions. Benton took the same ground and maintained it in his *Thirty Years' View*, published in 1856.<sup>1</sup>

Calhoun had, at an earlier stage of the controversy in 1818, inveighed in the Senate in most impressive terms against all measures looking to the acquisition of new territory to be governed as a political dependency, and had introduced a resolution declaring that to conquer and hold Mexico, "either as a province or to incorporate it in the Union, would be \* \* \* a departure from the settled policy of the Government, in conflict with its character and genius, and in the end subversive of our free and popular institutions."

While the political anvil was so hot the Supreme Court wisely confined itself to disposing of the cases before them, without pronouncing upon academic questions, however important. Six years later, however, it adopted a different policy. In the *Dred Scott* case Chief Justice Taney announced his adhesion and, so far as he could, committed the court to the doctrine advocated by Calhoun. The "needful rules and regulations clause," he declared, had no operation on territory acquired since the adoption of the Constitution. Such territory was subject to such laws as Congress might enact as the legislative arm of the Government, but these must be confined within the limits assigned by the Constitution for the protection of person and property. A power to rule it without restriction, as a colony or dependent province, would be inconsistent with the nature of our Government. Slaves might, therefore,

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<sup>1</sup>II, 714.

be taken and held there, because slavery was a status recognized by the Constitution.<sup>1</sup>

The court, as reconstituted during the civil war, which the Dred Scott decision had done so much to produce or to accelerate, reverted to the doctrine of Chief Justice Marshall, and in 1871 reinstated the "needful rules and regulations clause" as the primary authority for our territorial legislation.<sup>2</sup> The right of a sovereign to rule his possessions, in later decisions, has also been relied on, and has perhaps been most emphatically expressed in dealing with the various acts of Congress passed to suppress polygamy in Utah. The fullest statement of the present view of the court was given by Mr. Justice Matthews in one of these Utah cases, in which, after saying that the question of the power of Congress to legislate for the Territories as to matters of domestic concern is no longer open for controversy, the opinion proceeded thus:

It has passed beyond the stage of controversy into final judgment. The people of the United States, as sovereign owners of the national Territories, have supreme power over them and their inhabitants. In the exercise of this sovereign dominion they are represented by the Government of the United States, to whom all the powers of government over that subject have been delegated, subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms, or in the purposes and objects of the power itself; for it may well be admitted in respect to this, as to every power of society over its members, that it is not absolute and unlimited. But in ordaining government for the Territories and the people who inhabit them all the discretion which belongs to legislative power is vested in Congress, and that extends, beyond all controversy, to determining by law, from time to time, the form of the local government in a particular Territory and the qualification of those who shall administer it. It rests with Congress to say whether, in a given case, any of the people, resident in the Territory, shall participate in the election of its officers or the making of its laws; and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it, as it may deem expedient. The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom that Constitution was ordained, and to whom, by its terms, all power not conferred by it upon the Government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, State and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States. This doctrine was fully and forcibly declared by the Chief Jus-

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<sup>1</sup> *Scott v. Sanford*, 19 Howard's Reports, 447 et seq.

<sup>2</sup> *Clinton v. Engelbrecht*, 13 Wallace's Reports, 434, 441, 447.

tice delivering the opinion of the court in *National Bank v. County of Yankton*, 104 U. S., 129. See also *American Ins. Co. v. Canter*, 1 Pet., 511; *United States v. Gratiot*, 14 Pet., 526; *Cross v. Harrison*, 16 How., 164; *Dred Scott v. Sanford*, 19 How., 393. If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion can not be avoided that the act of Congress here in question is clearly within that justification. For certainly no legislation can be supposed more wholesome and necessary in the founding of a free, self-governing commonwealth, fit to take rank as one of the co-ordinate States of the Union, than that which seeks to establish it on the basis of the idea of the family, as consisting in and springing from the union for life of one man and one woman in the holy estate of matrimony; the sure foundation of all that is stable and noble in our civilization; the best guaranty of that reverent morality which is the source of all beneficent progress in social and political improvement. And to this end no means are more directly and immediately suitable than those provided by this act, which endeavors to withdraw all political influence from those who are practically hostile to its attainment.<sup>1</sup>

It will be remarked that the *Dred Scott* opinion is here cited as an authority. Mr. Justice Matthews's statement of the law was quoted with approval in 1889 by Mr. Justice Bradley in deciding the greatest of all the Utah cases—that which held that Congress, as representing the *parens patriæ* of the Territory, could annul the charter of the Mormon Church, confiscate its property, and devote it to public uses. He added, however, this important observation of his own:

Doubtless Congress, in legislating for the Territories, would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments, but these limitations would exist rather by inference and the general spirit of the Constitution, from which Congress derives all its powers, than by any express and direct application of its provisions.<sup>2</sup>

It will be perceived that these few but pregnant words, repeated later with approval in an Alaska case by Mr. Justice Harlan,<sup>3</sup> substantially reaffirm a position on which the *Dred Scott* decision was rested by all the justices but three, and from which none of the other three dissented.<sup>4</sup> This is that Congress, in making rules for the Territories, is subject to some or all of the restrictions and prohibitions imposed upon it by the Constitution as respects other legislation affecting person or property. A difference is, indeed, made in the mode of state-

<sup>1</sup> *Murphy v. Ramsey*, 114 United States Reports, 44, 45.

<sup>2</sup> *Mormon Church v. United States*, 136 U. S., 1, 42, 44, 58, 87.

<sup>3</sup> *McAllister v. United States*, 141 United States Reports, 174, 188.

<sup>4</sup> *Scott v. Sanford*, 19 Howard's Reports, 542, 614.

ment. In 1850 the court considered the letter as well as the spirit of the Constitution to have a controlling force. In 1884 what is to be implied or derived from its spirit is treated as the main if not the only source of restraint. This mode of expression may have been adopted in order to leave the way open to hold, should occasion arise, that the United States could not lawfully acquire territory to hold permanently or for an indefinite period as a dependent province or colony. If, however, it means what it seems to declare, and is of general application, then the utterance of Taney on this point seems intrinsically entitled to the most respect. That is in line with what Chief Justice Marshall said in the great case of *Cohen against Virginia*,<sup>1</sup> in discussing the not dissimilar power of Congress to legislate for the District of Columbia, and meeting the objection that such legislation had simply a local effect. He observed:

Congress is not a local legislature, but exercises this particular power, like all its other powers, in its high character as the legislature of the Union. The American people thought it a necessary power, and they conferred it for their own benefit. Being so conferred, it carries with it all those incidental powers which are necessary to its complete and effectual execution. Whether any particular law be designed to operate without the District or not depends on the words of that law. If it be designed so to operate, then the question whether the power so exercised be incidental to the power of exclusive legislation, and be warranted by the Constitution, requires a consideration of that instrument. In such cases the Constitution and the law must be compared and construed.

Any other construction leaves the rights of the citizen too much at the will of the judiciary, and ignores the natural meaning of our bill of rights.<sup>2</sup> The main privileges and immunities guaranteed by the amendments to the Constitution, which serve that office, are shared by every foreigner who may be found within our jurisdiction.<sup>3</sup> They must then certainly be the heritage of every settled inhabitant of the land. Such is their force in every organized Territory by act of Congress (Revised Statutes, section 1891), and I believe it to be the same in every unorganized territory which is subject to civil government, by virtue of the Constitution itself.<sup>4</sup>

<sup>1</sup> 6 Wheaton's Reports, 204.

<sup>2</sup> See Pomeroy's Constitutional Law, sec. 498; Cooley's Principles of Constitutional Law, 36.

<sup>3</sup> *Wong Wing v. United States*, 163 United States Reports, 228, 238, 239, 242.

<sup>4</sup> See *Reynolds v. United States*, 98 United States Reports, 145, 154, 158, 162; In re *Sah Quah*, 31 Federal Reporter, 329, 330.

If the laws of Congress as to the Territories are laws of the United States, and subject in all respects to the Constitution of the United States, how can we justify the long established practice of investing the Territorial legislatures with general legislative power? Here again we may turn to Chief Justice Marshall for an answer. The "needful rules and regulations clause," he said in *McCulloch against Maryland*,<sup>1</sup> authorizes the organization of a Territorial government, which constitutes a corporate body. Precisely as a State may incorporate a city with its city council, the United States may incorporate a Territory with a Territorial council or a legislature. The statutes of such a body will not be laws of the United States, but laws of that part of it lying within the corporate limits, so far as Congress may have left the field open for their adoption. They are like the laws of our chartered colonies before the Revolution.

Assuming, then, that the Constitution is the supreme law wherever the flag of the Union floats over its soil, are there any of its provisions which are likely to embarrass us in dealing with our new possessions?

That they are islands and not part of the mainland of North America is of itself an immaterial circumstance, so far as the right to acquire them is concerned. Islands that fringe a continent are part of it. Porto Rico and Cuba are American islands.<sup>2</sup> Hawaii is in a position to command our coast, and lies nearer to us than the outer Aleutian island, the acquisition of which has been confirmed by general acquiescence during thirty years. For temporary commercial purposes, indeed, we have the warrant of the Supreme Court for saying that the President, with the authority of Congress, can acquire any island, however remote, and make it, while retained, a part of the United States.<sup>3</sup> For purposes of naval defense a similar and permanent acquisition would, no doubt, be proper. If there is any difficulty in our accepting the cession of the Philippines, it is not that they are islands, but that they are not appurtenant to the American continent.

Are we then—should the Spanish treaty be ratified—to meet any constitutional difficulty in holding and governing whatever it may bring us?

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<sup>1</sup>4 Wheaton's Reports, 316.

<sup>2</sup>See a discussion of the Historic Policy of the United States as to Annexation, in the Report of the American Historical Association for 1893, p. 379.

<sup>3</sup>*Jones v. United States*, 137 United States Reports, 202, 212, 221.

1. The fourteenth and fifteenth amendments must certainly prove a source of embarrassment. The latter declares that the right of citizens of the United States to vote shall not be denied or abridged by the United States on account of race or color. By section 1992 of the Revised Statutes of the United States, "all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States." This statute was passed on April 9, 1866, by the same Congress which framed and on June 16, 1866, proposed to the States for ratification the fourteenth amendment, with which, therefore, it may fairly be assumed to have been intended to be in harmony. The first words of that amendment are that "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States, and of the State wherein they reside." If this stood alone and unexplained by cotemporary legislation, it might be argued that it applied only to persons residing in one of the States. But read in the light of the Revised Statutes, section 1992, it would seem a more natural construction to treat it as adding to that, the farther step to which the consent of the States was necessary, that those thus born or naturalized, if they then or afterwards resided in a State, should be citizens of that State, as well as of the United States. It will be observed that the State among whose citizens they are thrust is not necessarily that of their birth. It is any State in which citizens of the United States may at any time reside.

Whether, therefore, section 1992 of the Revised Statutes should be repealed or not, the fourteenth amendment would seem to make every child, of whatever race, born in any of our new territorial possessions after they become part of the United States, of parents who are among its inhabitants and subject to our jurisdiction, a citizen of the United States from the moment of birth. The Indian tribes on our own continent are held not to be subject to our jurisdiction in the sense in which those words are here employed. They were until 1871 (Revised Statutes, sec. 2079) considered as separate nations with which we dealt as treaty powers.<sup>1</sup> Their present condition has been described by the Supreme Court of the United States as "a dependent condition, a state of pupilage, resem-

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<sup>1</sup> *The Cherokee Nation v. Georgia*, 5 Peters's Reports, 1.

bling that of a ward to his guardian."<sup>1</sup> Can this same position be assigned to the pagan Malays, the Moros, and the many savage tribes in the Philippines? This will be a grave question for Congress and the courts to meet.<sup>2</sup> But however that may be decided, the more civilized Filipinos and the people of Porto Rico, not less than the natives of Hawaii, will certainly be fully subject to our jurisdiction. Their children, born after the ratification of the Spanish treaty, if it should be ratified, will all be citizens of the United States. They must therefore, by the fifteenth amendment, have the same right of suffrage which may be conceded in those Territories to white men of civilized races. One generation of men is soon replaced by another, and in the Tropics more rapidly than with us. In fifty years the bulk of the adult population of Porto Rico, Hawaii, and the Philippines, should these then form part of the United States, will be claiming the benefit of the fifteenth amendment.

2. The fourteenth amendment declares that should any State abridge or deny the right of suffrage as to any of its adult male inhabitants who are citizens of the United States, except for crime, its representation in Congress shall be correspondingly reduced. This applies in terms only to the States; but does it not state a constitutional principle—that of manhood suffrage for every citizen—which the spirit of this amendment requires us to observe in dealing with our Territories? Such would seem to have been its legislative construction in the title of the Revised Statutes relating to that subject (secs. 1859, 1860). Can we properly leave the restriction upon the States and relieve Hawaii from its operation?

It is true that it has never been enforced against the States, but it may be, at the pleasure of Congress, at any time.

3. The provision in the first article of the Constitution that "all duties, imposts, and excises shall be uniform throughout the United States" will also prove an obstacle to any policy of the "open door," if our protective system is to be maintained. It requires that any customs duties we may impose on imported goods shall be of one and the same form and at one and the same rate at every port of entry throughout the United States.<sup>3</sup>

<sup>1</sup> *Elk v. Wilkins*, 112 United States Reports, 94, 99.

<sup>2</sup> See *United States v. Kagama*, 118 United States Reports, 375, 380, 384.

<sup>3</sup> *Loughborough v. Blake*, 5 Wheaton's Reports, 317; *Head-money Cases*, 112 United States Reports, 580, 594.



If there is a duty of 40 per cent collectible on woolen cloth brought to New York from a foreign port, the same percentage must be collected on woolen cloth brought to Manila from a foreign port, subject only to any temporary reservations of a right to entry on more favorable terms which may be made in the treaty of cession.

On this point the Supreme Court of the United States had occasion to speak soon after the Mexican war, when California became ours by the treaty of peace, and a contest arose over the right of the temporary government set up by the United States to exact duties on imported goods landed at San Francisco.

“By the ratifications of the treaty,” says the opinion, “California became a part of the United States. And as there is nothing differently stipulated in the treaty with respect to commerce, it became instantly bound and privileged by the laws which Congress had passed to raise a revenue from duties on imports and tonnage.”<sup>1</sup>

It was contended by the importers that as Congress had not yet made San Francisco a port of entry or constituted any collection district in California the tariff law could not apply. To this the court replied as follows:

Can any reason be given for the exemption of foreign goods from duty because they have not been entered and collected at a port of delivery? The last become a part of the consumption of the country as well as the others. They may be carried from the point of landing into collection districts within which duties have been paid upon the same kinds of goods; thus entering, by the retail sale of them, into competition with such goods and with our own manufactures and the products of our own farmers and planters. The right claimed to land foreign goods within the United States at any place out of a collection district, if allowed, would be a violation of that provision in the Constitution which enjoins that all duties, imposts, and excises shall be uniform throughout the United States. Indeed, it must be very clear that no such right exists, and that there was nothing in the condition of California to exempt importers of foreign goods into it from the payment of the same duties which were chargeable in the other ports of the United States. As to the denial of the authority of the President to prevent the landing of foreign goods in the United States out of a collection district, it can only be necessary to say, if he did not do so, it would be a neglect of his constitutional obligation “to take care that the laws be carefully executed.”<sup>2</sup>

Delicate questions under the treaty must also arise respecting duties on commerce between Manila and American ports.

<sup>1</sup>Cross v. Harrison, 16 Howard's Reports, 197.

<sup>2</sup>Ibid., 198.

Porto Rico has been provisionally treated by the executive power of the United States as a domestic port for all purposes of American coasting trade. Can the Philippines, off the coast of Asia, be looked at in the same way?

The power of Congress to lay "imposts," it has been said by the Supreme Court of the United States, refers to imposts on foreign goods "introduced from other nations."<sup>1</sup> If we ratify the treaty and so bring the Philippines under our sovereignty, they cease to be a foreign country. Will it then be open to Congress to tax our trade with them?

4. An objection against the permanent incorporation of the Philippines into the United States remains for consideration, which, if sound, is insurmountable. This nation is the United States of America. That name was assumed on July 4, 1776, by the "Representatives of the United States of America in general Congress assembled," who signed the Declaration of Independence. The first article of our first Constitution, the Articles of Confederation, is that "The stile of this Confederacy shall be 'The United States of America.'" The preamble of our present Constitution states its adoption by "the people of the United States, in order to form a more perfect Union \* \* \* and secure the blessings of liberty" to themselves and their "posterity." What they did was summarized at the close of the preamble. It was to "ordain and establish this Constitution for the United States of America."

The United States of America is a plural term. The union of separate States in one political body does not extinguish their separate existence nor vary the force of their having formed this "more perfect union" in order to promote their several as well as their common interests. Can the United States of America ever include a State erected on islands off the coast of Asia and having no possible tie of connection with the American continent? I believe that to this a negative answer may be safely given. Can they, then, annex such islands to a union into which they can never enter on equal terms?<sup>2</sup>

This question cuts deeper than the one propounded to the Supreme Court of the United States in the Dred Scott case.

<sup>1</sup> Woodruff v. Parham, 8 Wallace's Reports, 123, 133; Cook v. Pennsylvania, 97 United States Reports, 566.

<sup>2</sup> That we can only hold newly acquired territory with a view to its ultimate statehood and in trust for such future State seems implied in several recent decisions of the Supreme Court, e. g., Shively v. Bowlby, 152 United States Reports, 1, 23, 49, 57.

The opinion given there was that we could not acquire any American territory to hold permanently as a dependent province. If that position be unsound, it would not follow that islands appertaining to another continent could be so acquired and held.

To acquire, of course, is one thing, and to keep another.

I believe we have unquestionable power to acquire the Philippines as the spoils of war; but a conqueror is not bound and may not be able to retain what he receives. If we retain the Philippines, we must have the right to tax their people. Does our Constitution contemplate or permit taxation which is necessarily uncoupled with representation in the legislature by which it is decreed?

This argument was pressed upon the Supreme Court of the United States in an early case growing out of the imposition of a direct tax on the District of Columbia. Chief Justice Marshall, speaking for the court, said that, while indirect taxes must be imposed by the same rule throughout every part of the United States, Congress in laying a direct tax might restrict it to the States or extend it to the Territories or the District at its discretion. It was true that the latter were not represented in Congress, but citizens of the District had voluntarily relinquished any claim to it, and those of the Territories were looking forward to it as soon as the proper conditions for statehood should be attained. This, he said, was obviously a different thing from "requiring a continent with an immense population to submit to be taxed by a Government having no common interest with it, separated from it by a vast ocean, restrained by no principle of apportionment, and associated with it by no common feelings."<sup>1</sup> The Philippines are not a continent, but they cover more than 100,000 square miles of land and are inhabited by 6,000,000 or 8,000,000 people. This is both an area and a population more than twice as great as those within the settled limits of the revolting English colonies in America at the time to which Marshall thus alluded.

If we ratify the treaty of cession and the Filipinos acknowledge our claim of sovereignty, and then the course of events should be such that we found ourselves unable or unwilling to hold them permanently as a colonial dependence, how could we get rid of such possessions?

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<sup>1</sup> *Loughborough v. Blake*, 5 Wheaton's Reports, 317.

It would seem logical to hold that the treaty-making branch of the Government by which they were acquired could, by similar proceedings, convey them to some other power. So far as a transfer of sovereignty is concerned, it could not be accomplished otherwise, unless successful revolt or other political change had made the Filipinos an independent people. To make a grant, there must be some one with whom to close the contract.

But it is the right of Congress to dispose of the territory of the United States, considered in the character of property. To sell or give away any part of the national domain reduces by so much the national resources. As all measures to raise revenue must originate in the House of Representatives, and to stop the revenues from any territory by its alienation would require raising more revenue by taxation, it would seem proper, if not necessary, that the whole of Congress, and not merely the President and Senate, should concur in any measure that reduced the area of the Republic.

Could such a reduction be made either through Congress by law or the President and Senate by treaty, or both together, if it took the shape of a gift to the Filipinos, under which our ownership and sovereignty would pass to them as an independent power? No authority for such a transaction is expressly given in the Constitution. If implied, it would probably have to rest on the assumption that the Philippines had proved a *damnosa hereditas*. There would be greater difficulty in defending it on the ground that we had taken them as an act of humanity to spread the blessings of independent liberty over an oppressed people, after we had elevated and educated them sufficiently to make them fit to use it aright. For foreign missionary work of this kind in another continent, our Constitution contains no provision.

The case of Cuba is, of course, far different. That lies at our doors. It has not been ceded to the United States. Spain has relinquished her sovereignty, but she has not transferred it to us. Our position is to be that of a custodian, or receiver. The sovereignty is, in effect, in abeyance, but it is to pass, by our pledged consent, to the Cuban people whenever they organize a government for themselves and show that they can maintain it, and with it the peace and order to which Cuba has been so long a stranger.

The Philippines also occupy a very different relation to us,

as respects the questions of constitutional limitations, from that which belongs to Hawaii or Porto Rico. The West India Islands appertain to our continent as fully as Nantucket or the Dry Tortugas. Hawaii is nearer to it than to any other, and no shipowner or naval officer, in these days when it is coal that moves commerce and defends it, will question that it is within our legitimate "sphere of influence."

5. Let us now turn to the method of administration which would be open to us in regulating the internal affairs of the islands and the maintenance of peace and order.

At present they are rightfully held and controlled by the Executive power, but it would hardly comport with the principles of republican government to allow that *régime* to continue longer than necessity absolutely requires. The laws in force while Spain held them will continue in force, except so far as the President or his subordinates may see fit to modify them, or as they may be inconsistent with the Constitution of the United States, until Congress replaces them by a different system.

Must this new system include the institution of trial by jury for persons charged with crime?

It is difficult to predict with absolute confidence what will be the decision of the courts on a question of so delicate and far-reaching a character, presented in a light in which the subject has never before been brought to their attention.

It seems to me, however, probable that there would be no way of escape found from the conclusion that a jury would be indispensable.

Article IV, section 2, declares expressly that "The trial of all crimes, except in cases of impeachment, shall be by jury," and this was clearly intended to embrace those committed outside of any State. But this provision is contained in a section dealing exclusively with the subjects of judicial power particularly intrusted to the United States. It is settled (whether logically or illogically) that the courts of Territories do not exercise the power thus conferred. Congress finds its warrant for them in quite different parts of the Constitution; and it is a sufficient warrant for investing them with jurisdiction over every kind of act against the peace of the United States which the laws of the United States may forbid. True, jurisdiction of similar extent may be and has been given under

this particular section to the regular courts of the United States; but the source of power under which the different tribunals act is different. The source of power for the ordinary courts gives it with a limitation in favor of trial by jury. The source of power for Territorial courts might, I think, be read as giving it with no such limitation. While this would give rather a strict construction to the constitutional guaranty, it would be quite in line with that which the Supreme Court has assigned to other provisions hardly less important, such as that securing the tenure of judicial office during good behavior. The court, however, has made two decisions which tend strongly in the opposite direction.

The first was this: A man was convicted of a misdemeanor in the police court of the District of Columbia, upon a trial before the judge, after a demand for a jury had been refused. He sought relief by a writ of habeas corpus from confinement under the sentence. The act of Congress, passed under its authority "to exercise exclusive legislation in all cases whatsoever" over the District, which constituted the police court, denied a jury in such proceedings. The supreme court of the District had sustained the validity of this statute, and refused to release the prisoner. This judgment was reversed by the Supreme Court of the United States on the sole ground that he had a constitutional right to a jury trial, and their reasons were thus stated:

There is nothing in the history of the Constitution or of the original amendments to justify the assertion that the people of this District may be lawfully deprived of the benefit of any one of the constitutional guaranties of life, liberty, and property—especially of the privilege of trial by jury in criminal cases. In the draft of a constitution reported by the committee of five on the 6th of August, 1787, in the convention which framed the Constitution, the fourth section of Article XI read that "the trial of all criminal offenses (except in cases of impeachment) shall be in the States where they shall be committed; and shall be by jury." (1 Elliott's Deb., 2d ed., 229.) But that article was by unanimous vote amended so as to read: "The trial of all crimes (except in cases of impeachment) shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, then the trial shall be at such place or places as the legislature may direct." (Id., 270.) The object of thus amending the section, Mr. Madison says, was "to provide for trial by jury of offenses committed out of any State." (3 Madison Papers, 144.) In *Reynolds v. United States* (98 U. S., 145, 154) it was taken for granted that the sixth amendment of the Constitution secured to the people of the Territories the right of trial by jury

in criminal prosecutions; and it had been previously held in *Webster v. Reid* (11 How., 437, 460) that the seventh amendment secured to them a like right in civil actions at common law. We can not think that the people of this District have in that regard less rights than those accorded to the people of the Territories of the United States.<sup>1</sup>

The same doctrine was applied, a few months since, to one of our organized Territories. The Territorial statutes of Utah provided for a jury of twelve in criminal trials. The constitution of the State of Utah reduced the number to eight. A man was convicted in a court of the State, before eight jurors, for grand larceny committed in the former Territory. He brought his case by writ of error before the Supreme Court of the United States, on the ground that the constitutional provision as against him was *ex post facto*, and therefore void. The contention was sustained; the court expressing itself in the following terms, from which only two of the justices dissented:

That the provisions of the Constitution of the United States relating to the right of trial by jury in suits at common law apply to the Territories of the United States is no longer an open question. \* \* \* It is equally beyond question that the provisions of the National Constitution relating to trials by jury for crimes, and to criminal prosecutions, apply to the Territories of the United States.<sup>2</sup>

It was also held in the same opinion that—

it was not in the power of one accused of felony, by consent expressly given or by his silence, to authorize a jury of only eight persons to pass upon the question of his guilt.<sup>3</sup>

If the views thus expressed are not overruled they must lead to the conclusion that no conviction for crime could be had in any of our new possessions, after the establishment there of an orderly civil government, whether constituting it an "organized Territory" or an "unorganized Territory," except upon a jury trial.

I think also that by the ordinary rules of construction, the provisions of the third, fifth, and eighth amendments must be regarded in any form of Territorial government which Congress may construct for any part of the United States, including, of course, Porto Rico and the Philippines, should the pending treaty be ratified, and if, as I have taken for granted, it cedes to us the sovereignty over both. If not, it must be on

<sup>1</sup> *Callan v. Wilson*, 127 United States Reports, 540, 550.

<sup>2</sup> *Thompson v. Utah*, 170 United States Reports, 343, 346, 347.

<sup>3</sup> *Ibid.*, 353.

the theory that the guaranties which they afford to personal liberty refer only to proceedings had in the exercise of the judicial power of the United States. To read them thus would seem to me to violate the ordinary rule that constitutional provisions for the safety of the individual and the security of property should be favorably and liberally construed.<sup>1</sup> It would also lead to what I should say was the inadmissible assumption that the amendments set up no checks against executive and legislative power.<sup>2</sup>

The fourth amendment, which guards the people against unreasonable arrests and general warrants, was successfully invoked in an early case before Chief Justice Marshall, arising in the Territory of Orleans. General Wilkinson, who was then in command of the army of the United States, and superintending the fortifications at New Orleans, arrested two men implicated in the Burr conspiracy, and sent them on to Washington for trial. There was a Territorial court at New Orleans before which they might have been prosecuted. Arrived at Washington, they applied for a writ of habeas corpus, and were discharged by order of the Supreme Court of the United States, mainly on the ground that they could only be prosecuted where their offense was committed, and so that their arrest was unwarranted by the Constitution.<sup>3</sup> Judge Story, in commenting on the decision, remarks that as the arrests were made without any warrant from a civil magistrate, they were in violation of the third amendment.<sup>4</sup>

A still more important precedent is that furnished by Milligan's case. During the civil war Indiana was a State bordering on disputed territory. It had been itself invaded by Confederate forays, and further incursions were apprehended. The President had therefore made it a military district. A powerful secret association existed there, under military organization, which was plotting insurrection.<sup>5</sup> In 1864 one of its members was arrested and tried before a military commission, convicted of a treasonable conspiracy and violation of the laws of war, and sentenced to be hanged. The President approved the sentence. On a writ of habeas corpus the

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<sup>1</sup> *Boyd v. United States*, 116 United States Reports, 616.

<sup>2</sup> *State v. Griswold*, 67 Connecticut Reports, 290, 309.

<sup>3</sup> *Ex parte Bollman*, 4 Cranch's Reports, 75.

<sup>4</sup> *Story's Commentaries on the Constitution*, § 1895, note.

<sup>5</sup> *Ex parte Milligan*, 4 Wallace's Reports, 140.



Supreme Court of the United States ordered his discharge, and laid down these principles of decision:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.<sup>1</sup> \* \* \* The great minds of the country have differed on the correct interpretation to be given to various provisions of the Federal Constitution, and judicial decision has been often invoked to settle their true meaning, but until recently no one ever doubted that the right of trial by jury was fortified in the organic law against the power of attack. It is now assailed, but if ideas can be expressed in words, and language has any meaning, this right—one of the most valuable in a free country—is preserved to every one accused of crime who is not attached to the Army, or Navy, or militia in actual service.<sup>2</sup> \* \* \* If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority, thus overthrown, to preserve the safety of the Army and society, and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration, for if this government is continued after the courts are reinstated it is a gross usurpation of power. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war.<sup>3</sup>

From the fundamental positions thus taken there was no dissent, though Chief Justice Chase and three of his associates were of opinion that Congress could, under the circumstances existing in Indiana, have authorized such a mode of trial. They agreed to the judgment on the ground that Congress had not authorized it, but stated their own view in these words:

“We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists the laws of peace must prevail. What we do maintain is, that when the nation is involved in war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the authorization of military tribunals for the trial of crimes and offenses against the discipline or security of the Army or against the public safety.”<sup>4</sup> \* \* \* There are under the Constitution three kinds of military jurisdiction—one to be exercised both in peace and war; another to be exercised in time of foreign war without the boundaries of the United States, or in time of rebellion and civil war within States or districts occupied by rebels treated as belligerents; and a third

<sup>1</sup> *Ibid.*, 120.

<sup>2</sup> *Ibid.*, 123.

<sup>3</sup> *Ibid.*, 127.

<sup>4</sup> *Ex parte Milligan*, 170 United States Reports, 140.

to be exercised in time of invasion or insurrection within the limits of the United States, or during rebellion within the limits of States maintaining adhesion to the National Government, when the public danger requires its exercise. The first of these may be called jurisdiction under military law, and is found in acts of Congress prescribing rules and articles of war, or otherwise providing for the government of the national forces; the second may be distinguished as military government, superseding, as far as may be deemed expedient, the local law, and exercised by the military commander under the direction of the President, with the express or implied sanction of Congress; while the third may be denominated martial law proper, and is called into action by Congress, or temporarily, when the action of Congress can not be invited, and in the case of justifying or excusing peril, by the President, in times of insurrection or invasion, or of civil or foreign war, within districts or localities where ordinary law no longer adequately secures public safety and private rights.<sup>1</sup>

At the present moment the conditions thus described exist. The President is holding these islands during a foreign war, with the rights of a military commander in an enemy's country. He has granted an armistice. He has negotiated a treaty of peace. But, until the Senate acts, our declaration of war remains unrevoked; a state of war, for all purposes of military occupation, still continues; and these islands, though ours as to the rest of the world, are still Spain's to us.<sup>2</sup>

Let me briefly summarize the conclusions which, it would seem to me, we must accept.

There is no constitutional objection to the acquisition of any or all of our new possessions, or to subjecting them to a temporary government of military or colonial form.

There is no constitutional objection to our taking temporary possession of Cuba, as a friend of the Cubans, and maintaining peace and order by a military occupation, under the President of the United States, until such time as we may deem its people fit to govern themselves. It is a practical application of the Monroe doctrine in its modern form.

Until Congress acts, the President can govern our new possessions with no other authority than that with which his great office is clothed by the Constitution in its grant of executive power.<sup>3</sup>

If the Spanish treaty should be ratified, Congress could replace the temporary government which the President has set up in Porto Rico by whatever form of administration it

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<sup>1</sup> *Ibid.*, 141, 142.

<sup>2</sup> *Fleming v. Pago*, 9 Howard's Reports, 614, 615.

<sup>3</sup> *Leitensdorfer v. Webb*, 20 Howard's Reports, 176, 178.

may think proper, not inconsistent with the principles and provisions of the Constitution of the United States, and maintain it until the inhabitants may be fit to govern themselves. No fixed limit of time can be assigned for the duration of such a *régime*. We have held Alaska under such conditions already for thirty years, and she is hardly more deserving of autonomy now than when she was a Russian province. We have held New Mexico, under different forms of administration, for nearly fifty years, and the character and traditions and laws of a Latin race are still so deeply stamped upon her people and her institutions that no demand of party exigency has been strong enough to secure her admission to the privilege of statehood. Here, as in so many other matters where constitutional law and legislative policy may come in conflict, every presumption is to be made in favor of the good faith of Congress and the wise exercise of its discretion.

Upon the ratification of the treaty, Porto Rico would become (and for the first time become) a part of the United States; but our customs laws would not have full operation there until Congress created the necessary collection districts and ports of entry.<sup>1</sup> Until then the temporary government of the President would continue; duties on imports could be lawfully collected by his agents; and whatever courts of a municipal character he may have set up would continue in the discharge of their functions, with the power of life and death.<sup>2</sup>

Á port or island like Guam, taken for military or naval purposes, can be permanently kept under military law.

And here such certainty as can be derived from judicial precedent or settled legislative construction and popular acquiescence comes to an end.

How long and with what effect Congress might allow our new possessions to be held under military rule; whether Porto Rico can be held permanently and avowedly as a colonial dependence; whether the Philippines could be held permanently, either with or without a view of ultimately dividing them into States to be admitted as such into the Union; whether they could be given over to their inhabitants; whether all trials for crimes committed there must be by jury; whether Cuba, which we have taken in the capacity of a friend or pro-

<sup>1</sup> Fleming v. Page, 9 Howard's Reports, 802, 816, 817; Hamilton v. Dillin, 21 Wallace's Reports, 73, 88, 97.

<sup>2</sup> Jecker v. Montgomery, 18 Howard's Reports, 498, 515; The Grapeshot, 9 Wallace's Reports, 129, 133.

tector, for the benefit of its people, through a war, at the outset of which the public faith was pledged not to acquire it for ourselves by right of conquest, could, should we come at last to despair of their capacity for self-government, be kept as part of the territory of the United States; whether in this Republic there can be settled inhabitants of civilized or semi-civilized races owing allegiance to the United States alone, but who can be regarded as subjects and not citizens<sup>1</sup>—these are questions not irrevocably settled so far as we can consult the oracles of the past, and in view of which the Senate must act, in dealing with the great issue now presented to it, as the executive council with which the States have surrounded the President to protect their interests against any undue exercise of Executive power.

Our Constitution was made by a civilized and educated people. It provides guaranties of personal security which seem ill adapted to the conditions of society that prevail in many parts of our new possessions. To give the half-civilized Moros of the Philippines, or the ignorant and lawless brigands that infest Porto Rico, or even the ordinary Filipino of Manila, the benefit of such immunities from the sharp and sudden justice or injustice which they have been hitherto accustomed to expect, would, of course, be a serious obstacle to the maintenance there of an efficient government. Every people under a written constitution must experience difficulties of administration that are unknown to nations like Great Britain which are unfettered by legal restraints imposed by former generations. It is part of the price it pays for liberty that new conditions must be dealt with in fundamentals under old laws.

The people of the United States, when they framed this Constitution for themselves and their posterity, had they contemplated a day when the Executive might negotiate a treaty of cession embracing an archipelago in the waters of Asia, might have relaxed some of the restrictions which they were laying down to limit the legislative power; they might also have strengthened and multiplied them. They may now be asked to declare their will through the slow process of constitutional amendment, but until they speak we must take the Constitution as it is.

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<sup>1</sup> See on this point *Boyd v. Thayer*, 143 United States Reports, 135, 162, 169; *In re Look Ting Sing*, 10 Sawyer's Reports, 353; 21 Federal Reporter, 905.



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XVI.—GERMANS IN AMERICA.

By ERNEST BRÜNCKEN,  
MILWAUKEE, WISCONSIN.

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## GERMANS IN AMERICA.

By ERNEST BRUNCKEN.

There has been considerable activity within the last few years in exploring the sources of information regarding the part played by immigrants of German tongue and their descendants during the colonial and revolutionary periods. But almost nothing has been done hitherto by historical students writing in English to elucidate the history of the German element since the war of the Revolution. Even systematic attempts at collecting materials regarding this phase of American history are few and far between. Aside from the more or less desultory attempts of occasional individuals, and of late a few German societies and clubs, the student finds no assistance in his search for sources. What little has been written in English regarding the subject is of an economic rather than historical character; very few scholars seem to be aware that German-immigration has had, during the last hundred years, an interesting course of historical development, and that it is quite impossible to understand the social and political history of those portions of our country where German settlers have been numerous and influential without acquainting one's self with the successive stages of that development.

Perhaps the temptation is great to consider the immigrants from German-speaking countries as merely a part of the great waves of westward migration to which we owe the conquest of a continent. If this view were correct, there could be no question of a separate history of German-Americans as a part of the general history of our people. This view would probably be correct if the German immigrants, during these hundred years, had consisted exclusively of people who came here simply to better their material condition. But the truth is that a very large portion of Germans, especially during the period from 1815 to 1860, came here for far different reasons.



They came here because they hoped to realize in the Western Hemisphere certain political and social ideals. To this class belong not only the political exiles proper—i. e., persons who were compelled to leave their native land in order to escape punishment for political offenses—but also the much larger class of persons who had never come into conflict with the laws, but sympathized with the revolutionary movements in the old country to such an extent that they could not rest satisfied at home. Not a few of these people were in comfortable circumstances, while others had held places of trust and influence in their native land. The effect of their activity in their adopted country on the political and social life of large portions of the United States has been very great and is plainly perceptible to the present day. It follows that the nature of their influence and the manner in which they exercised it become highly important subjects of historical investigation.

Another impulse, apart from that of seeking for material improvement, which brought many thousands of Germans to this country, was of a religious nature. The pietistic movement which was such an important factor in the earlier German immigration still survived during the earlier years of the nineteenth century, but it had little influence on the general fate of the German element. It expended itself in the organization of communistic settlements, as it has done so frequently from the days of the "Woman in the Desert" to those of Zoar and New Harmony. But of quite a different nature was the movement of the Old Lutherans into this country. The ideas of the leaders of that movement, skillfully availing themselves of the hunger of the North German peasantry for land which the West offered them in abundance, is still powerful among the adherents of the Lutheran Church in America, and one of the strongest conservative forces in existence.

There is no appreciable number of Catholics who came to the United States principally for religious reasons. But the German element within the Roman Church holds, in some respects, so distinct a position, that its history must be thoroughly understood by the student who would analyze the influence of that powerful ecclesiastical organization upon American life.

The history of German immigration during the nineteenth century may be roughly divided into two periods. The decade

from 1860 to 1870 forms a transition from one to the other. At the beginning of that decade the civil war greatly reduced the number of arrivals, while toward its end the great land-grant railroads began their vigorous exertions to attract foreign settlers to their rich farming lands. From the Revolutionary war to about 1815 the number of immigrants from Germany was comparatively small. Since about 1860 there have been practically no political exiles, except a few stray socialists or anarchists. During the period from 1815 to 1860, while the majority of immigrants then, as at all times, consisted of laborers, artisans, and farmers who sought better material conditions, there was hardly a year without the arrival of a number of Germans belonging to the higher classes of society and being moved to expatriation by political discontent. In the years immediately following the European revolutionary movements of 1830 and 1848, especially the latter year, the number of these immigrants became so large that they soon formed a most important element among the German residents of this country.

It is not the purpose of this paper to give even an outline of the manifold activities of the German element in the United States during these years in the fields of politics, social reform, education, and art. It is doubtful, in fact, whether anyone would be competent at this moment to write such a history, simply because the widely scattered materials have not yet been gathered and made accessible. When this history comes to be written there will be no lack of interest to the student of our political, social, and religious development, nor even to the lover of picturesque or dramatic incident. The salient points in that history will be the early settlements of Germans along the receding frontier, from Ohio to the Rocky Mountains; the attempts at organized colonization, notably that of the "Adels-Verein" in Texas, which, in melancholy and picturesque interest and hardships of all sorts endured by the settlers, rivals any of the tales told about the sufferings of the seventeenth-century colonists; the various so-called "Latin settlements" in Ohio, Illinois, Missouri, and elsewhere, which became centers of light and higher culture in the crudeness of frontier conditions. Next would come the advent of the "Forty-eighters," with its incidents of public receptions and triumphal progresses through the country like that of Gottfried Kinkel.

The political activity of these newcomers, eccentric and impractical as it often was, will have to be traced in detail, for it has powerfully influenced the fate of political parties in many of the States, and its effects can be felt to the present day. The more or less fanciful attempts at creating purely German States in the West, utter failures though they were, must receive their share of attention. The rivalries between the "Grays" and the "Greens," i. e., the older residents and the newcomers after 1848, are sometimes amusing, and of interest because of their effects on politics and especially the fortunes of the young Republican party. The antislavery struggle, especially in the West, can not be fully understood without a consideration of the part the Germans took in it. Nor would our political and religious life be what it is if it had been uninfluenced by the bitter quarrels of the German Radicals with the Roman Catholics, at the same time that the Knownothing movement threatened foreigners of all religious beliefs.

Since the civil war the vigor and interest of German-American life as a distinct entity has declined considerably. The German element of to-day is less widely separated from the great stream of American life than it was in the earlier days. This is undoubtedly because the later immigrants have found upon their arrival a large body of older residents, partially Americanized, together with their native-born children, who form an easy transition to the mass of the American people. Nevertheless, there are many phases of our later history which must remain obscure without a thorough acquaintance with the part taken in them by the citizens of German extraction. { This is true notably of the school question which has agitated many Western States, the questions of finance and prohibition, certain features of ecclesiastical development, the labor movement, and other important matters.

Of published matter dealing with these subjects in the English language, there is but very little. What can be found mostly deals with pioneer incidents, and is apt to be of a character principally local and personal.<sup>1</sup> Of German publications printed in this country and avowedly devoted to the history of the German element, there is also but little. Foremost among such publications must be mentioned a monthly

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<sup>1</sup> Something regarding the political activity of the Forty-eighters may occasionally be found in Knownothing publications, but this source must, for obvious reasons, be handled with care.

magazine which during fifteen years appeared at Cincinnati under the auspices of the German Pioneers' Club and the editorial leadership of Henry Rattermann. This little publication is a rich mine of information, but as it is of a popular nature it also contains much trivial and irrelevant matter. Biographical accounts of a large number of the more prominent among the German immigrants before 1848, together with a good deal of miscellaneous information concerning our subject, are found in a volume by Gustav Koerner, cited in the note below. A volume edited by Anton Eickhoff, containing contributions from various pens, has much valuable material. So does Schem's *Deutsch-amerikanisches Konversations-Lexicon*. Various local histories, some of which are cited below, contain notices of general interest.<sup>1</sup>

The most important source of information is to be found in the German newspapers of this country. The German-American press, as is well known, dates back to the earlier half of the eighteenth century, took new life, after a period of decay, since the year 1830, and reached very great importance, both as to the number of publications and their character, since the year 1848. It is only within the last few years that it has shown marked indications of having passed its most flourishing period. But unfortunately complete files of the earlier German newspapers, especially during the period from 1830 to 1860, are extremely rare. This is especially true of some of the more short-lived publications of the Forty-eighters, which, however, are precisely those most desirable for historical investigation.

Next to newspapers and periodicals printed in this country come publications appearing in Europe and written either by residents of the United States or by travelers. Of these there

<sup>1</sup> *Der Deutsche Pionier*; monthly; 15 volumes. Cincinnati, 1869-1884.

Gustav Koerner, *Das deutsche Element in den Ver. Staaten von Nord-Amerika*. Cincinnati, A. E. Wilde & Co. 1880. 8vo. Pp. 461.

Emil Klauprecht, *Deutsche Chronik in der Geschichte des Ohio-Thales*. Cincinnati.

Rudolph A. Koss, *Milwaukee*. Milwaukee, 1871. 8vo. Pp. 473.

G. Goebel, *Länger als ein Menschenleben in Missouri*.

L. Stierlin, *Der Staat Kentucky und die Stadt Louisville*.

Armin Tenner, *Cincinnati sonst und jetzt*. Cincinnati, Mecklenburg & Rosenthal, 1871.

Alexander Schem, *Deutsch-amerikanisches Konversations-Lexicon*. New York, 1869-1874. 11 vols.

Anton Eickhoff (ed.), *In der neuen Heimath. Geschichtliche Mittheilungen über die deutsche Einwanderung in allen Theilen der Union*. New York, Steiger & Co., 1884. Large 8vo. Pp. 398. Appendix, pp. 164.

is of course a very large number, of all characters and with all kinds of objects in view—from the serious scientific volume to the lightest of feuilletons. It is not attempted in this paper to present an even approximately complete bibliography of this class of books. Most of them may be found in Sabin's Dictionary of Books Relating to America, as far as that work has gone down the alphabet. I will merely call attention to a few of these publications which are of particular interest to the student of German-American history.

There is, first of all, the long series of books intended expressly for the guidance and information of the emigrant. Most of these are compilations of very inferior value, but a few should be mentioned as of a superior character. Eminent among them is a little work by Gottfried Duden, who lived for some years on a farm in Warren County, Missouri.

His lively and somewhat romantic descriptions of life in the woods and prairies of the frontier were instrumental in bringing to this country an unusually large number of Germans, especially from the well-to-do and educated classes, some of whom afterwards became prominent in various walks of life. Another book of special interest belonging to this class is *Aussichten für gebildete Deutsche in Nord-Amerika*, by Franz Loeber, which addresses itself especially to emigrants of the educated classes.<sup>1</sup>

Among books with more or less serious scientific or political purposes should be mentioned Franz Loeber's *Geschichte und Zustände der Deutschen in Amerika*. This was the first attempt at giving a connected history of the German-Americans, from the arrival of Pastorius and his fellow-pilgrims down. But the principal object of the volume is to promote the plans then largely entertained for concentrating all German immigrants in the Northwest and gradually creating a purely German State. Of the very large number of books of travel appearing before the civil war a few are mentioned in the note, which are particularly important for the student of our subject.<sup>2</sup>

<sup>1</sup> Gottfried Duden, Bericht über eine Reise nach den westlichen Vereinigten Staaten Nord-Amerika's und einen mehrjährigen Aufenthalt am Missouri (in den Jahren 1824, 1825, 1826, und 1827). Elberfeld, 1829. 8vo. Pp. 404. 2d edition, Bonn, 1834.

Franz Loeber, *Aussichten für gebildete Deutsche in Nord-Amerika*. Berlin, Julius Springer, 1853. 12mo. Pp. 91.

Julius Froebel, *Auswanderer-Bibliothek. Verzeichniss der in den letzten zehn Jahren erschienenen Schriften für Auswanderung*. Rudolstadt, 1852. 8vo. Pp. 33.

<sup>2</sup> Franz Loeber, *Geschichte und Zustände der Deutschen in Amerika*. Cincinnati, Eggers & Wulkop; Leipzig, K. F. Koehler, 1847. Pp. 544. 2d edition, Göttingen, 1855.

J. H. Becker, *Sociale und politische Zustände in den Vereinigten Staaten*.

V. Bracht, *Texas im Jahre 1849*. Elberfeld, 1849.

A class by itself might be formed of the publications of the disappointed. The most important of these are the *Atlantische Studien*, in which numerous educated immigrants found vent for their sorrow in the fact that the real world was quite different, even in America, from what they had fancied it in their enthusiastic dreams.<sup>1</sup>

The publications of various ecclesiastical bodies, both in this country and in Europe, are very rich in material. Only a few of them are mentioned below.<sup>2</sup>

Considerable light is thrown on the movement by the publications issued by the various German governments. A few of these are specified below.<sup>3</sup>

During the last thirty years the amount of material waiting to be collected and sifted is even larger than during the preceding period. But enough seems to have been said to call the attention of scholars to a field of inquiry which is still practically in virgin condition.

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Moritz Busch, *Wanderungen zwischen Hudson und Mississippi*. J. Z. Cotta, Stuttgart und Tübingen, 1854. 2 vols. 8vo. Pp. 390, 361.

Dr. J. G. Buettner, *Briefe aus und über die Vereinigten Staaten*. 2 vols. Dresden, 1846.  
O. V. Dwingels, *Reise-Berichte über die Vereinigten Staaten von Nord-Amerika, 1843 und 1844*.

Julius Froebel, *Aus Amerika. Erfahrungen, Reisen und Studien*. 2 vols. Leipzig, 1856.

Julius Froebel, *Die deutsche Auswanderung und ihre cultur-historische Bedeutung*. Leipzig, Franz Wagner, 1858. 8vo. Pp. 103.

Julius Froebel, *Amerika, Europa und die politischen Gesichtspunkte der Gegenwart*. Berlin, J. Springer, 1859. 12mo. Pp. 213.

Julius Froebel, *Ein Lebenslauf. Erinnerungen eines Achtzigjährigen*. 2 vols.

W. Grisson, *Beiträge zur Charakteristik der Vereinigten Staaten*. Hamburg, 1844.

Dr. Wilhelm Frank, *Deutschland in Amerika, 1839*. Cassel.

Alexander Ziegler, *Skizzen einer Reise durch Nordamerika und Westindien, mit besonderer Berücksichtigung des deutschen Elementes, etc.* Dresden und Leipzig, Arnoldi, 1848. 2 vols.

Ferdinand Roemer, *Texas*. Bonn, 1840.

H. Ehrenberg, *Fahrten und Schicksale eines Deutschen in Texas, 1845*.

<sup>1</sup> *Atlantische Studien. Von Deutschen in Amerika*. 8 vols. 8vo. Göttingen, 1853-1855.

Dr. A. Kirsten, *Skizzen aus den Vereinigten Staaten von Nordamerika*. Leipzig, Brockhaus, 1854. 16mo. Pp. 347.

<sup>2</sup> *Berichte der Leopoldinen-Stiftung im Kaiserthum Oesterreich. Anon. Gegenwärtiger Zustand der kath. Kirche in den Vereinigten Staaten von Nordamerika. Sendeschreiben an Herrn v. Beckedorf*. Regensburg, 1842.

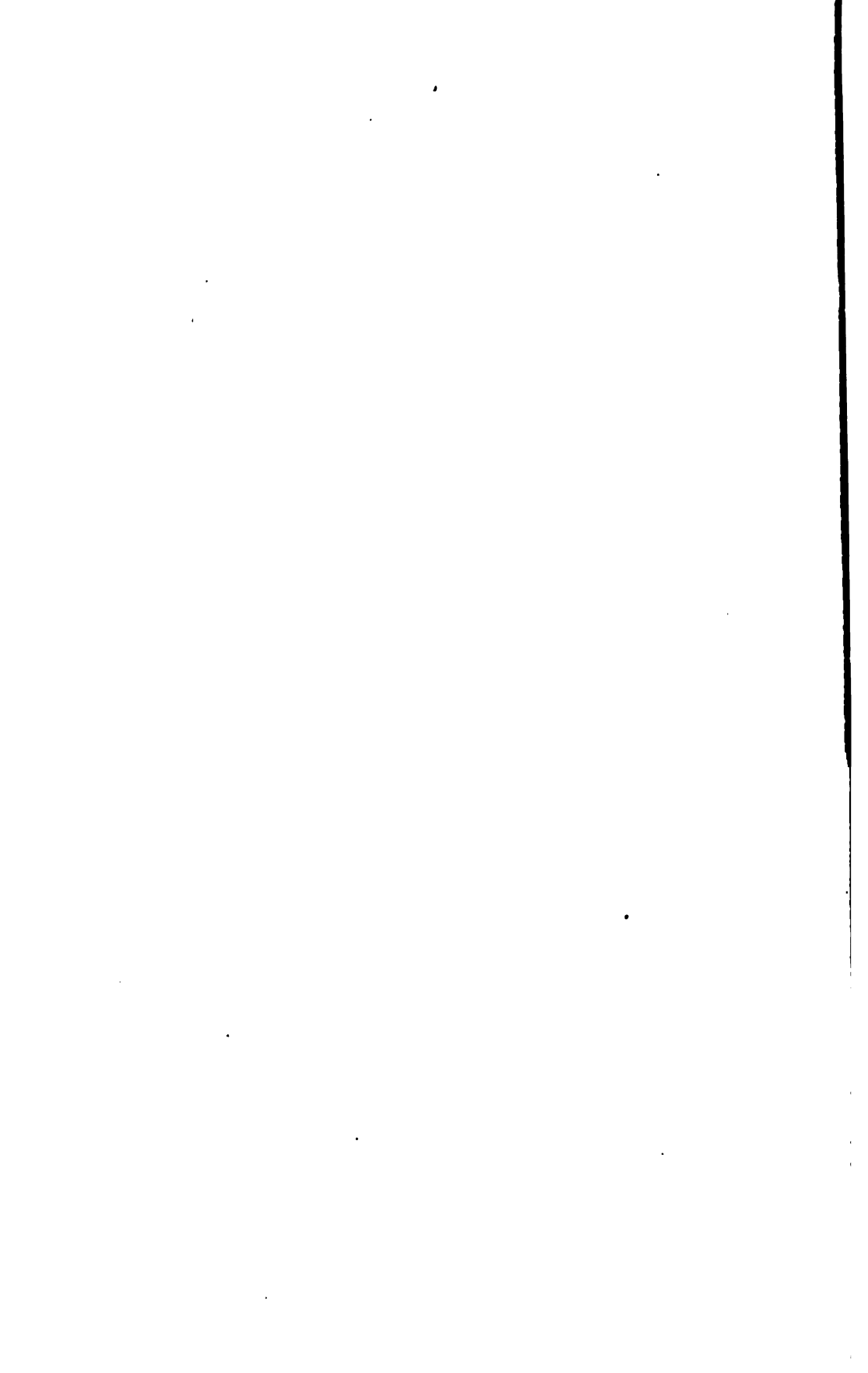
Dr. Joseph Salzbacher, *Meine Reise nach Nordamerika im Jahre 1842*. Vienna, 1845.

Dr. Friedrich Reese, *Abriß der Geschichte des Bisthums Cincinnati*. Vienna, 1829.

W. N. Holleberg, *Die Deutschen in Amerika. Mittheilungen des Berliner Vereins für die ausgewanderten Deutschen der evangelischen Kirche im Westen Nord-Amerikas*. Berlin, Wiegandt & Grieben, 1859. 8vo. Pp. 40.

Dr. Philipp Schaff, *Amerika. Die politischen, socialen und kirchlich-religiösen Zustände der Vereinigten Staaten, mit besonderer Rücksicht auf die Deutschen*. Wiegandt & Grieben, Berlin, 1854.

<sup>3</sup> V. Fürstenwärtner, *Reise nach d. Vereinigten Staaten von Nordamerika, im Auftrage des kgl. niederländischen Gesandten am deutschen Bundestage. Frankfurt a. M., 1819. Die Auswanderung in den Jahren 1840 bis mit 1855. In Beiträge zur Statistik der inneren Verwaltung des Grosshth. Baden, Heft 5, Karlsruhe, 1857.*



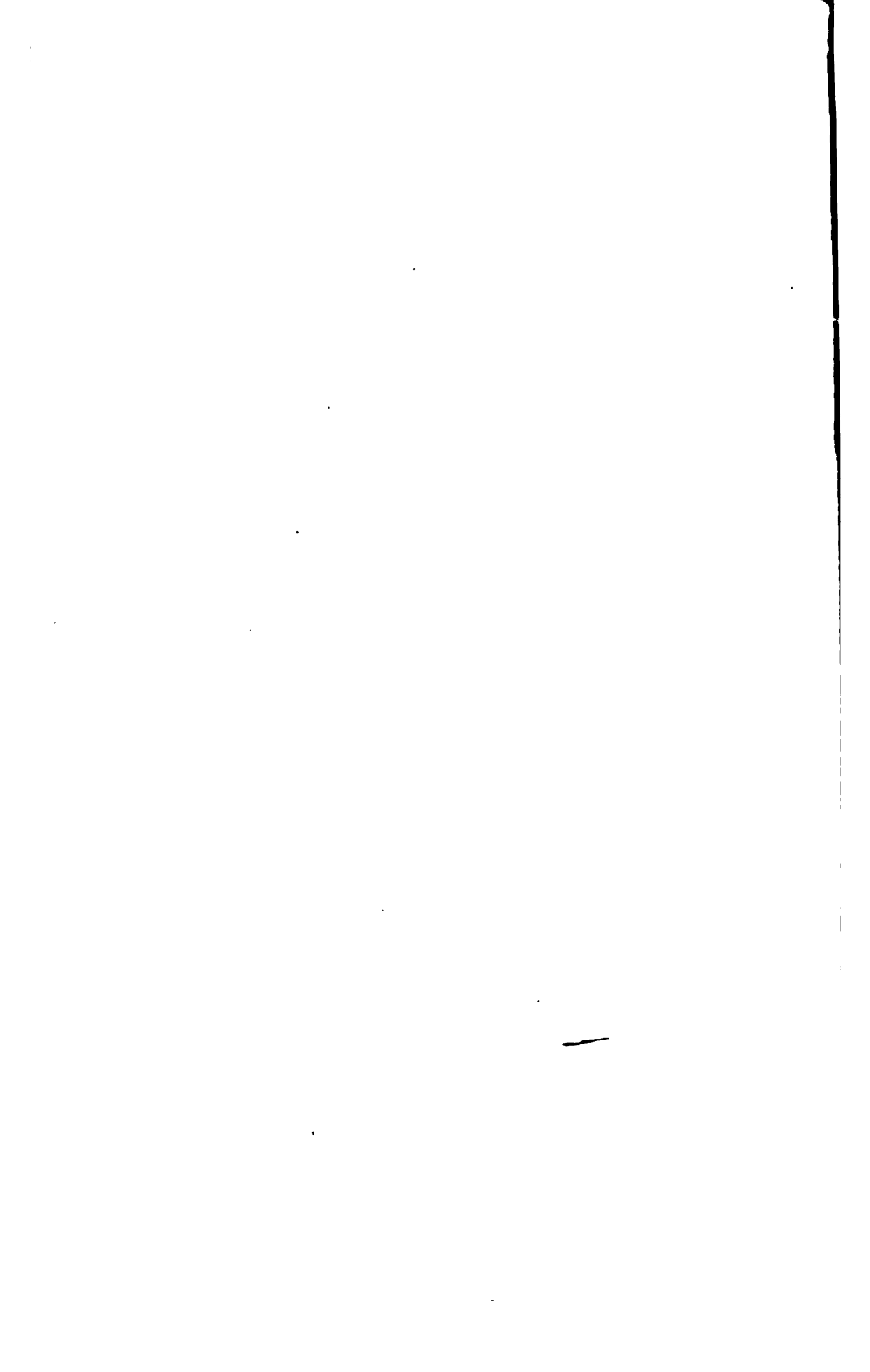
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**XVII.—THE REAL ORIGIN OF THE SWISS REPUBLIC.**

**By WILLIAM D. McCrackan, A. M.,  
NEW YORK CITY.**

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## THE REAL ORIGIN OF THE SWISS REPUBLIC.

By WILLIAM D. McCrackan.

It is the misfortune of Swiss history that, although very little is popularly known about it, that little is almost invariably incorrect. There is a widespread but vague idea that a regularly organized republic has existed in the Alps from time immemorial under the name Helvetia. Nothing could be more misleading; for, as a matter of fact, the Swiss Republic had no existence before 1291, at which date the three communities of Uri, Schwiz, and Unterwalden united in a perpetual pact against the encroachments of Habsburg-Austria. As for the Celtic tribe of the Helvetii, who inhabited parts of what is now Switzerland under the Roman dominion, they had no more to do with founding the Swiss Republic than had the Indians in our own country to do with framing the Constitution of the United States. Around the three communities of Uri, Schwiz, and Unterwalden as a nucleus the Swiss Republic grew in course of time by the adherence of other communities until it reached its present proportions of twenty-two cantons in 1815. The very name of Switzerland was unknown before the fifteenth century, when for the first time the eight states which then composed the Republic began to be called Die Schweiz, after Schwiz, which was the most pronounced of the primitive states in its opposition to the pretensions of the nobility. While the Germans pronounced the name Schweiz, the French called it Suisse, the Italians Svizzera, and the English Switzerland—the land of the Switzers. Nor did the early Swiss set up a sovereign republic in our acceptance of the word either in internal or external policy. The class distinctions of the feudal ages continued to exist in their midst, and they by no means disputed the supreme rule of the head of the German Empire over them, but rather gloried in the protection which this direct dependence afforded them against a multitude of intermediate preying nobles. It was not until 1648, by the peace

of Westphalia, that the complete independence of the Swiss from the German Empire was established beyond question.

For a long time the real origin of the Swiss Republic was obscured by the story of William Tell and the traditions contained in the so-called White Book of Sarnen. As long as the birth of the little mountain confederation was attributed to the chance of an arrow in its flight the true causes were overshadowed.

But now that William Tell has been relegated to the realms of legendary lore, we are in position to estimate the fundamental causes in a direct and scientific manner.

The three original communities of Uri, Schwiz, and Unterwalden appear for the first time in history during the seventh and eighth centuries. There are no traces of lake dwellings within their territory. On the Roman charts there is nothing but a blank for the whole region. After the fall of the Roman Empire, the Teutonic Alamanni slowly took possession. As the plains of northern Switzerland became more and more thickly settled, pioneers, adventurous spirits moved up into the then savage country that skirts the Lake of Luzern, pushed into the forests, and made clearings. This colonization was accomplished in three different ways: By freemen who occupied and tilled their own land under the immediate protection of the Empire, by bondmen sent out from ecclesiastical institutions or by bondmen in the employment of secular nobles.

In spite of this diversity of condition the colonists were united in one peculiar institution, in the Association of the Mark, for the management of their common lands.

I propose to strike straight for the central fact of Swiss independence. Here in the Association of the Mark we have the kernel of the nut, the germ of Swiss freedom.

Each community set apart its *almends* or commons in the valleys and its *alps* or summer pastures on the mountains. The early patriots operated a crude system of land communism. In spring the cattle were driven up into the mountains to take possession of the grazing lands as the snow receded. During their absence the hay was made and housed in the valleys for winter fodder. Etymologists are not yet agreed whether the name *Almend* meant originally common land or fodder land, and historians are debating whether the use of it was intended in the beginning to be communistic or not. These are questions for specialists to decide, but the effect of the system was



patent to all. These rustics, by treating at least some of the total supply of land as common property, excluded the possibility of the complete monopolization of the land by the feudal nobility. Within the Association of the Mark the early Swiss learned their first lessons in self-government. As it was necessary to regulate the use of the common lands, semi-agricultural, semi-political meetings of all the inhabitants were convened at stated times. These were the *Landsgemeinden*, which have survived to our own time in several of the pastoral cantons and which resemble our own New England town meetings more closely than any institution in the world.

Perhaps overmuch stress should not be laid upon inferences drawn from etymology, but this name *Landsgemeinde* is suggestive in itself, this *gemeinde* or community of the land, whether the German word *Land* be used here in the sense of district or in the sense of soil.

It is therefore especially significant that the very first *Landsgemeinde* of which we have any documentary record met in Schwiz in 1294 and promulgated a decree dealing with the subject of land tenure: The assembled people agreed to forbid anyone to sell or give land to monasteries or to aliens under pain of a heavy fine. All land thus alienated must be bought back or else confiscated by the community. The monasteries must pay the same taxes as all other members of the community or else be excluded from using the common lands. Aliens must pay the same taxes; nor can they exact any compensation from their tenants for this reason or take the land away from them.

Rough and ready as these regulations undoubtedly were, they gave evidence of great insight on the part of the rude peasants. They constituted a revolt against the absorption of land by great ecclesiastical corporations or absentee landlords, and laid the foundations for a stable, compact commonwealth against which the attacks of armed feudalism proved impotent.

Nowhere can the historical development of the *Almend* and *Landsgemeinde* be studied to better advantage than in the community of Schwiz itself, in Schwiz, which gave its name to the Republic and its coat of arms (a white cross on a red ground) to be the flag of Switzerland; within whose boundaries, at Brunnen, the perpetual pact of 1291 was confirmed in 1315, and on whose frontier, at Morgarten, was fought the

first battle of the war of independence against Habsburg-Austria.

At the outbreak of this war of independence the land of Schwiz, with the exception of a few estates belonging to ecclesiastical and secular nobles, was common land. Karl Bürkli assures us, in a pamphlet entitled "Der Ursprung der Eidgenossenschaft," that the name of Ober-Allmig, or Ober Almend, is still applied to the wide stretch between the range of the Morgarten and the lake of Klönthal, and from the Wäggi Valley to Gersau. On this land now stand more than thirty villages and hamlets. There are hundreds of houses, even whole villages, built on this Almend land, the houses only being private property, whereas the land is public. If the houses burn down and are not rebuilt within a specified time, the land reverts to the community as Almend land.

The Swiss struggle for independence against Habsburg-Austria was long drawn and intermittent, but if any one event can be characterized as marking its beginning, it must be the quarrel between the men of Schwiz and the Abbey of Einsiedeln, standing under the protection of Habsburg-Austria, concerning the boundaries of their Almend.

The quarrel was one of long standing. The monastery of Einsiedeln, when founded in 934, had received lands to the north of the Almend of Schwiz. In 1018 the boundaries of the monastery were extended southward, and it was not long before the expanding community of Schwiz came into conflict with the monks. The mountaineers rallied to the defense of their common lands. The dispute dragged along for fully a century; it seemed to defy all attempts at a satisfactory solution. Two emperors were called upon to arbitrate, Henry IV in 1114, and Conrad III in 1144. Both sides robbed, burned, and plundered, and it was not till 1217 that a temporary cessation of hostilities was effected by Count Rudolf I of Habsburg, acting in the capacity of umpire.

This dispute over the Almend had, however, been of inestimable value to the men of Schwiz. It had united them against a common foe; it had taught them the first principles of defensive warfare, which they were destined to apply so brilliantly later on; their Landsgemeinde had fitted them for self-government under universal suffrage; the communal unit had been formed around the possession of common lands as a nucleus.

In 1314 the dispute between Schwiz and Einsiedeln flared up again, for in the night of the 6th of January a marauding band attacked the monastery, took the sleeping monks prisoners, penetrated into the cellars, broke open the doors of the sanctuary, and in drunken fury overthrew the ornaments, treasures, vessels, vestments, and relics. This raid reflects but little credit on the men of Schwiz, but it shows the point of exasperation to which they had been goaded by the infringements on their *Almend*.

The raid on Einsiedeln led to war between the men of Schwiz and the house of Habsburg-Austria, as protectors of the monastery. The men of Schwiz called to their aid their confederates of Uri and Unterwalden, who, under the same system of the *Almend*, had been growing up to the same status of local self-government and economic independence. In 1315 Duke Leopold invaded Schwiz and was repulsed with great loss by the Confederates in the battle of Morgarten. The battle proved to be one of the first occasions in the Middle Ages, if not the very first, in which an army of mounted knights was conquered by peasants on foot.

The ball had now been set a-rolling. Little by little Habsburg-Austria was crowded out of the possessions it held on what is now Swiss soil. The territory it vacated acquired self-government—the serfs it left behind became freemen. The Republic of Switzerland arose—a new and startling factor in the European situation.

It is not my purpose to describe the subsequent development of the Swiss Republic from the battle of Morgarten to the present day. Suffice it to insist upon the fact that the possession of common lands was the rallying point of the early patriots. One can not conceive of the struggle for Swiss independence without this incentive, and it seems entirely likely that had this system of communism in land not existed at that period the Republic of Switzerland would not have sprung up in the center of Europe. Its territory would doubtless now be forming part of Germany, France, Italy, and Austria according to its linguistic divisions.

The common lands of Switzerland have maintained themselves to this day almost intact in the pastoral cantons.

Even in the industrial cantons, where the maintenance of common lands encounters greater difficulties, vast tracts of forest and even cultivated lands are still owned in common,

though often rented out to individuals, so that numerous small towns and villages actually collect no local taxes at all, and are able to distribute fuel to their citizens in winter. Such communities live on their ground rents as surely as do great landowners in other parts of the world.

No one will deny that the communistic system of land tenure in Switzerland as practiced in the past and to some extent in the present is clumsy and antiquated, and that the same ends could better be served by the simple system of taxing land values, irrespective of improvements. But the achievement is the thing, and that is, that the equal rights of all the citizens in the land are guaranteed; that the great ethical principle finds local expression that the crust of mother earth belongs equally to all the children of men.

The real origin of the Swiss Republic, then, is to be sought in the question of land tenure, not in the chance of an arrow in its flight. There is an impressive meaning in this fact that the land question presided at the birth of the nation, which, after a career of more than six hundred years, has proved itself to be the most enduring republic in existence.

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XVIII.—ERASMUS, THE PRINCE OF THE HUMANISTS.

By GEORGE NORCROSS, D. D.,  
CARLISLE, PENNSYLVANIA.





## ERASMUS, THE PRINCE OF THE HUMANISTS.

By GEORGE NORCROSS, D. D.

Desiderius Erasmus was the illegitimate son of a Dutch priest named Gerhard, and Margaret, the daughter of a physician. He was their last but not their only child. He was born in Rotterdam, October 27, in the year 1466 or 1467. As he was born out of wedlock, the poor boy had really no right to a surname, but fortunately he had the power to make a name for himself, and, according to a fashion among scholars of his age, he assumed in a translated form his father's name, Gerhard, of which Erasmus is meant for a Greek, and Desiderius for a Latin rendering.

He received his early education in the cathedral school of Utrecht and in a flourishing classical academy at Déventer, where his brilliant natural gifts were recognized, and he was especially noted for his prodigious memory. Books were his chief delight. In his twelfth year, it is said, he knew Horace and Terence by heart.

After the death of his mother, he was defrauded out of his inheritance by his guardians and put against his will into a convent, where he spent five unhappy years in monastic seclusion.

Erasmus found relief from the cloisters' irksome round of mechanical devotions in the study of the classics, which he pursued without much assistance, but following the natural bent of his genius. Even at this early period he had begun to exercise his pen in both prose and poetry. He wrote invectives against the despisers of eloquence, odes to Christ and the Holy Virgin, and an essay on the contempt of the world in which he paints the corruptions of the age.

In 1491 Erasmus was delivered from this prison life by the Archbishop of Cambray, a man of parsimonious spirit, who

became his close-fisted patron, first made him his private secretary, then sent him to Paris to go on with his studies, and finally ordained him to the priesthood. Erasmus continued in the clerical profession, and remained unmarried, but he never had a parish.

The Paris of that day must have had many attractions for such a spirit. The University was a great seat of learning; the very air seemed charged with sparkling wit; it was the study of many to make life pleasant, and the brilliant, witty, sarcastic youth plunged with zest into the seething world of the gay metropolis. Only one thing seemed to dampen his spirits and that was the everlasting reminder of his vows which he carried about with him in his religious habit. His cowl and frock were every moment in his way. He cursed the fate that had made him a monk, and daily pined for deliverance. We may admire Bernard of Clairvaux in the saintly white of his religious order, but it must be confessed that Erasmus was only suitably robed in a scholar's gown.

He seemed to have lived a kind of precarious existence for some years until he had won a high position in scholarship, and his great abilities became generally known. He pursued his studies in the University of Paris and at Orleans. His favorite authors were Cicero, Terence, Plutarch, and Lucian among the classics, Jerome among the fathers, and among the moderns of his time Laurentius Valla, the commentator.

Fond of his freedom, Erasmus chose an independent literary life without a regular charge, supporting himself by teaching and frequently accepting the patronage of the great. When he became famous he received liberal gifts and pensions from prelates and princes, and he left at his death 7,000 ducats. The Emperor Charles V gave him the title of royal counselor to the King of Spain, a sinecure position, which brought him an annual income of 400 guilders after 1516.

It was an age in which authors did not receive much direct income for literary work. The patronage of the great, which is always a precarious support, was doled out to the authors of that age as a remuneration for those somewhat fulsome dedications in which the patron shines as a very Mæcenas. But Erasmus certainly had less reason to complain than many others; he was treated very generously by his chief publisher, Froben, of Basel, and the donations which he received from the rich and great were neither few nor small.

We left Erasmus in the University of Paris chafing under the limitations of his lot, plunging into the great libraries, writing sarcastic epigrams, making the acquaintance of distinguished men, acting as tutor to young noblemen, and bathing his soul in those fountains of perennial delight to the scholar, the ancient classics of Greece and Rome.

Here it was that, when about eight and twenty, he made the acquaintance of two young noblemen from England who were traveling on the Continent, Lord Mountjoy and one of the Greys. Lord Mountjoy was wonderfully attracted by the brilliance of the young Dutchman; he took him for his tutor, carried him over to England, and introduced him at the court of Henry VII. At once the fortunes of Erasmus were made. He charmed every one, and he himself was delighted with the country and the people. For a time, at least, he praised everything English except their beer.

In many of the young men he found his own passion for learning. An amusing account is given of his first meeting with Sir Thomas More, who, though several years his junior, was already noted for those brilliant qualities which have made his name immortal in English history.

Shortly after his arrival, when dining with the lord mayor of London, Erasmus noticed on the other side of the table a young man of nineteen, slender, fresh colored, with blue eyes, coarse hands, and the right shoulder somewhat higher than the other. His features indicated affability and gaiety. Pleasant jests were continually dropping from his lips. If he could not find a joke in English, he would in French, or even in Latin or Greek. A contest of wit in all these languages soon ensued between Erasmus and the English youth. The former, astonished at meeting with anyone who could hold his own against him, exclaimed in Latin, "You are either More or nobody," and his young opponent quickly replied in the same language, "You are either Erasmus or the devil." More flung himself into the arms of Erasmus, and from this time they became fast friends.

Young More was an excellent example of the best fruits of the old system. He was full of fun and frolic, but withal so serious that at this very time he was delivering lectures on Augustine's "City of God" before a numerous audience composed of priests and aged men. The thought of eternity had seized him; and being ignorant of God's righteousness, he went

about to establish one by his own effort. He scrupulously observed all the fasts of the church, and subjected himself to the scourge every Friday.

Sir Thomas wished to save his soul, but he also wanted all that this world can give. He had a suspicion that that was impossible, and so he submitted to fasts and vigils, wore a shirt of hair cloth, mortified his body with small chains next his skin, in a word, he immolated everything in order to preserve that self which a real regeneration alone can sacrifice. But despite all his mistakes, which were the result of his education, he was one of the best and brightest men of his age, and he had the courage and dignity to go to the block at last rather than commit the political and religious heresy of admitting that Henry VIII was the head of the Church of Christ in England.

But now can you imagine the poor student enjoying the pleasant portion which he found in the manor houses of the rich and the splendid palaces of the nobility in the merry England of that day? Sir Thomas More became his dearest friend, and Warham, afterwards Archbishop of Canterbury, Fisher, afterwards Bishop of Rochester, Colet, the famous dean of St. Paul's, the great Wolsey himself, all recognized and welcomed the rising star of European literature.

Money flowed in upon him. He was petted and flattered. Warham gave him a benefice in Kent, which was afterwards changed to a pension. From London he was carried over to the classic shades of Oxford, with its more than a score of colleges combined in that republic of letters, the great University. Here he taught and studied, happy as a humming bird over a bed of flowers.

Meanwhile his reputation as a writer was spreading over the world. Latin, the language in which he wrote, was in universal use among educated people. It was almost the vernacular of the best society in Europe, and no other living man was so perfect a master of it. He knew it better than even his own mother tongue. He made it truly a living language, and used it as a witty patrician of Rome in the fourth or fifth century might have done. His satire flashed about among all existing institutions, scathing especially his old enemies, the monks, while the great secular clergy, who hated the religious orders, were delighted to see them scourged and to find themselves playing the rôle of patrons of toleration and reform.

Prince Henry when he became King was nearly as vain of his own scholarship as was afterwards James I. He had been intended by his father for the See of Canterbury, and so had received an education to fit him for the Church. When his elder brother Arthur died all this was changed, except Henry's pride of theological learning, which afterwards prompted him to measure swords with Luther, and won for him the title of "Defender of the Faith." It is not strange that Henry admired Erasmus and tried to keep him in England. His father, Henry VII, offered Erasmus a house large enough to be called a palace, and a pension which converted into modern money would be \$5,000 per year.

Erasmus, however, did not like to give up his liberty. He declined the King's terms, but his patron, Mountjoy, settled a pension on him instead which suited him better. He could now move about as he pleased. Sometimes he was at Oxford, then again at Cambridge, and when the humor took him back again to Paris. Now we hear of him staying with Sir Thomas More at Chelsea, and now going with Dean Colet on a pilgrimage to Becket's tomb at Canterbury, but always studying, always gathering knowledge, and throwing it out again, steeped in his own mother wit, in brilliant essays or letters, "which were the delight and the despair of his contemporaries."

Froude gives us a characteristic scene in this first visit of Erasmus to England. He went with Dean Colet to Becket's tomb. At one of the shrines in Canterbury he was shown an old shoe which tradition called the saint's. The incident afterwards furnished the text for one of his biting sayings: "We kiss the shoes of the saints, but we never read their works."

In 1505 he edited Valla's Annotations to the New Testament. In the preface to this work he called for a return to the Greek text and its grammatical exposition as fundamental to a proper understanding of the Scriptures.

It was in 1506 that Erasmus visited Italy. We can hardly realize what an attraction that sunny clime must have had for him. It was the classic land of Virgil and Horace, of Cicero and Seneca; the mother of every humanizing influence which for two thousand years had reached the North.

It had been the daydream of his life, but hitherto the requisite means had been wanting. "I have a longing to visit Italy," he wrote as early as 1498, "but it is not easy to fly

The Archduke of Brabant made him one of his counselors and subsequently the Emperor, Charles V, gave him a similar rank in his court, which was the royal way of giving him a pension as a man of letters. From 1515 to 1521 he resided in Brussels, Antwerp, or Louvain. In this latter place he owned a house and might have made a permanent home here but for the hatred of the monks, who embittered his life with their acrimonious attacks. He sought and found a quiet place for work in Basel, and the liberality of his publisher, Froben, the kindness of the bishop, and the magistrate, and, above all, the congenial company of the men connected with the university made the place peculiarly agreeable to his fastidious tastes.

Offers of church preferment in various countries continued to be made to him, but he was too jealous of his liberty to listen to these flattering calls. His circumstances had improved so much by pensions from the great, the presents which were showered upon him, and the sale of his books that he was now in a position to refuse all proposals which would have interfered with his cherished independence.

He was now at the height of his power and influence, and no man ever knew better how to maintain a marked literary supremacy. The general ardor for the restoration of the arts and the advancement of learning created an aristocratic public of which Erasmus was the acknowledged head. If Luther spoke to the common people, Erasmus had the ear of the educated class.

His friends and admirers were distributed over all the countries of Europe, and presents were continually arriving from small as well as great; now it was a donation of 200 florins from the Pope, and now it was sweetmeats and comfits from the nuns at Cologne. Perhaps no man in Europe has ever since that day occupied exactly the same position. He stood at the very center of the Humanistic efforts of his time, and was indeed himself the most important individual, in a literary sense, of the age. Wherever he went the most flattering reception awaited him. Princes, scholars, bishops, cardinals, even the Pope, vied in doing him honor.

It was during this period that Erasmus published the *Colloquia Familiaria*, or *Familiar Colloquies*, which perhaps has been the most read of all his writings. It contains the keenest sarcasms and wittiest sallies against conventual life, fasting, pilgrimages, and the worship of saints. The form of

the dialogue was well suited to his purpose, though it doubtless was at times the occasion of hits too coarse for our modern taste. But this brilliant banter and ridicule prepared the way for the graver attacks of the reformers. He escaped the charge of heresy, as a writer could hardly be held responsible for the opinions expressed by fictitious characters. Nevertheless, the Sorbonne condemned the Colloquies, and the Inquisition placed them in the first class of prohibited books.

The most important of all his works appeared in 1516; this was his Greek Testament. It had a decided influence on the Reformation. Besides the Greek text it contained a Latin translation, which departs quite largely from the Vulgate. To this were added notes to explain the meaning of the original and to justify his departures from the Vulgate. The work was prefaced with a dedication to Pope Leo X to stamp it with the sanction of the Church.

It is easy for our modern critics to point out the defects of this brave pioneer work. No one was more conscious than Erasmus himself that the work was precipitated hastily upon the public, but he felt the time had come when the original text should be laid before the world of scholars. That he was right became speedily manifest by the avidity with which this literary treasure was bought and studied. Within a few decades thirty unauthorized reprints were made, and Erasmus himself sent out four more editions. Luther's translation was based upon the second edition. It was this very year that Zwingli began to preach the pure gospel from the Greek Testament.

In 1517 he began to publish the "Paraphrases" of the Epistles and Gospels, which also exerted a powerful influence upon the movement in the Church for its reformation. In all these writings Erasmus was in many points the precursor of the Reformers. His satire against the abuses and corruptions of the Church was keen and bold, but his opposition to the degraded state of the Church, as he saw it, proceeded from æsthetic feeling rather than moral indignation.

He held the true position with respect to the Holy Scriptures, which he insisted must be the standard of doctrine and life in the Church. But he differed from the Reformers in other points equally important. He had no use for Luther's doctrine of justification by faith. He was not willing to break with the Catholic Church. He dreamed that he might remain



in it and work its reformation by the weapons of remonstrance and ridicule.

Erasmus was indeed a privileged character. He lectured princes, prelates, and scholars. Even the Pope himself had to take his turn in listening to the plain talk of this autocrat of letters. It has always been a wonder how plainly Erasmus could speak to all classes.

When the storm burst his natural place would have been beside Luther. He had been the honest advocate of reform when Luther was a child; why should he hesitate now? The confession is a sad one, but it was not in the man to run the risk. As the tempest rose he could only stand still in uncertainty. As Mr. Froude has well said, "The responsibilities of his reputation weighed him down." The Lutherans said, "You believe as we do." The Catholics said, "You are a Lutheran at heart; if you are not, prove it by attacking Luther," but now he would not take sides. The truth was he did not quite agree with either party.

Erasmus grew impatient. He declared, what some men have found it hard to believe, that he had not read the writings of Luther. But after all it is possible that he simply told the truth. It is undoubtedly true Erasmus thought he could learn nothing from Luther. He knew the general drift of what the Saxon monk was insisting upon with such vehemence, and why should he wade through so much for which he not only had no taste, but an absolute aversion.

Erasmus was especially sad over the prospect of letters. He had dreamed of quiet reforms, the result of learning and light, of wit and ridicule. He thought that with the increase of light the Church would forsake her corruptions and reform herself, but now he began to despair of any such peaceful issue. "Now there is no hope for any good," he wrote to Archbishop Warham in England. "It is all over with quiet learning, thought, piety, and progress; violence is on one side and folly on the other, and they accuse me of having caused it all. If I joined Luther I could only perish with him, and I do not mean to run my neck into a halter. Popes and emperors must decide matters. I will accept what is good, and do as I can with the rest. Peace on any terms is better than the justest war."

The last period of his life was marked by a complete rupture with the Reformers, though many of them attributed their

emancipation from the dominion of the Church to his writings. It was the oft-repeated reproach of his enemies that "Erasmus laid the egg which Luther hatched out." But perhaps the sturdy Saxon monk was as little influenced by the writings of Erasmus as any of the Reformers. He early detected the fact that the elegant scholar did not "sufficiently exalt Christ and the divine grace," and within five or six years of the time when Luther nailed his theses to the door of the Castle Church in Wittenburg there was an open breach between them, and Luther henceforth regarded Erasmus as "a sceptic and Epicurean, an enemy of all true religion."

Pope Adrian, the successor of Leo X, had been a schoolmate of Erasmus, and when he wrote to the great scholar imploring his advice and help in dealing with Luther, Erasmus felt he must do something, and so he selected a topic which would hurt the Reformation as little as possible and yet satisfy the Roman See, and this was the genesis of his little book on "Free Will."

The event revealed what ought to have been known before, that Erasmus was not at home in grappling with a deep theme in philosophy or theology. Luther replied with vigor and ability, planting himself upon the Augustinian theology and showing that Erasmus was at heart a Pelagian. Erasmus had mingled his arguments with personal attacks on Luther, and now the Wittenburg doctor answered back with so much of sarcasm, humor, and contempt that any further connection between them became out of the question. Poor Erasmus had the experience of moderate men who please neither extreme. He came out in rather a weak rejoinder to Luther, and there the matter dropped. The Pope railed at him for really doing nothing against Luther, and the Reformers felt that he had ranged himself on the side of their enemies, and so he lost credit all round.

But the Reformation broke into the charmed circle of scholars at Basel, and Erasmus hurried away. He found a peaceful retreat at Freiburg, in Baden. Here he bought a house and lived six years, and was treated with every demonstration of respect by his Roman Catholic neighbors, but he did not feel happy, and yielded to the solicitations of the Queen Regent of the Netherlands to return to his native land. He was doomed never to reach it. He stopped at Basel on his way, fell sick, and died in his seventieth year, July 12, 1536.

As to the personality of this man of mark we have quite definite information. His features are familiar to all from Holbein's many portraits or their copies. He was of medium height, in figure well built and graceful. His constitution was extremely delicate, making him sensitive to the slightest changes of climate, food, or drink. His complexion was fair, his eyes light blue, with corresponding yellowish hair. Though his voice was weak, his enunciation was distinct; the expression of his face cheerful. His manner and conversation were polished, affable, even charming.

His highly nervous organization made his feelings acute, his temper restless, and his brain intensely active. His stomach was so delicate that he was very fastidious as to his food and wine. He could neither eat nor bear the smell of fish. He used to confess in a laughing way that his "heart was Catholic, but his stomach was Lutheran."

Upon the whole he was a most charming man, who would not only have lived in honor but died in credit had his lot been cast in times of greater serenity. As it was he declared himself the best abused man in Europe; for the old party said he was a traitor, and the new party said he was a coward, and he certainly did not please either. He passed away believing that all his labors were lost, but he had been building better than he knew, and God had used him to do a peculiar work which perhaps no one else could have done so well.

It is but natural to ask why a man of such gifts and acquirements had no more power in the great work of reforming the Church. While it is true that he should not be judged by the standard of the men who followed him, and that every leader in a great transition falls short of the whole truth which some of his disciples may attain, yet I think we must see that with all his gifts Erasmus lacked much that was necessary to the true reformer.

1. It is clear that he lacked the profound theological insight of Luther. Erasmus never showed much interest in theology. He was a critic, a linguist, a rhetorician. He was a bright man of the world, a natural aristocrat, with a profound contempt for men of only humble abilities. He said with a good-natured smile that the most of men were fools, and it was not necessary that a philosopher should trouble himself much about what they thought or believed.

We know from his work on "Free Will," which he finally

spurred himself to write against Luther, that he was essentially Pelagian in his views of human nature. His opinion of the monks might be bad enough, but when he undertook to write about human nature in the abstract he flew in the face of the profoundest theologians in all ages. He took such a rose-colored view of the powers of human nature that Gibbon has well said, "Erasmus may be considered as the father of rational theology." After a slumber of a hundred years, Gibbon thinks the liberal views of Erasmus were revived in the Remonstrants of Holland and the Latitudinarians of Cambridge in England.

It is a common temptation, even of bright men, to underestimate a department of learning of which they are ignorant. While it is not true of Erasmus that he flouted theology, as many small men of our times do, yet "he barely acquiesced in church dogma, without being compelled to investigate it." The truth is that theological questions had no attraction for him. When a theological position was emphasized by party passion it became odious to him. Such a mind never really examines a doctrine like transubstantiation, with all its revolting consequences. The Church teaches it, and it is swallowed implicitly, without curious examination.

Erasmus never felt, as Luther or Calvin did, the awful urgency of that fundamental question in all religion, "How shall a man be just with God?" He would not leave the old Church; and yet we are tempted to think it was not owing to any profound conviction that her teaching was the truth of God or that her offices were necessary to salvation, as he finally died without the services of a priest, without the last offices of the Church, without either the holy eucharist or extreme unction, or, as one expressed it in the wretched monastic Latin of the day, he died "sine crux, sine lux, sine Deus." Yes, he died without the forms of the Church, but invoking the mercy of Christ, which doubtless discovered where his real hope was founded.

He left none of the usual legacies for masses or other clerical purposes. His little estate was given to a personal friend, partly for himself and partly in trust for the benefit of the aged and infirm, or to be spent in giving marriage portions to young girls, or in educating young men of promise.

His remains were buried in the Cathedral Church of Basel, amid the scenes which in life had been so congenial to his

tastes and where he had delighted to dwell until the fury of religious controversy had frightened away his sensitive spirit. It is a curious fact that while he refused in life to break with the Catholic Church his memory is dearer to us than to them, that he died at last among the Protestants, and his very ashes are guarded and cherished in a church that has long been consecrated to the reformed faith.

2. A natural love of independence and quiet leisure was another consideration that stood in the way of his becoming a champion of the new views.

His extensive and profound learning was equaled by his refined taste and brilliant wit, but all these qualities made him prefer a life of learned leisure and retirement to one of greater publicity. It was one thing to be feted wherever he went as a great scholar, and quite another thing to draw down upon himself the polemic ire of all the chief dignitaries in the Church. He could discuss the merits of a manuscript in a crowd of cardinals without even touching on the burning questions which Luther had raised respecting the plan of salvation and the powers of the Church. It must be confessed that was the sort of question in which he was most interested.

Then it is doubtless true there was a tincture of rationalism about the great Dutchman which helped to chill his love as to some of the evangelical dogmatism of Luther. We can not forget that the skeptical spirit of Lucian had always been congenial to Erasmus, and he had steeped his soul in the atmosphere of that bantering, doubting, laughing, pagan poet until it is probably true that he hardly knew how much or how little he really did believe as to the great fundamentals of religion. He frankly confessed that he "had no inclination to die for the sake of truth." He no doubt would in a measure have agreed with Lessing in his famous confession that he preferred the search after truth to its possession. Perhaps this confession would hardly do justice to the hearts of either of these great critics, for they both were honest in their love of truth; but it must be confessed they were not of the class of martyrs and not the kind of men God raises up to do His greatest work. They profoundly influenced the men of their age, but not in the masterful way of a Martin Luther, a John Calvin, or a John Knox.

Occasionally we find a worldly spirit like the poet Goethe giving expression to the opinion that it would have been



better if the work of reforming the Church had been left in the hands of Erasmus and the Humanists, but even as impartial a critic as Mr. Fronde has confessed that in that case there would have been no Reformation. "If the spirit of Erasmus," said he, "had prevailed it would have been with modern Europe as with the Roman Empire in its decay. The educated would have been mere skeptics; the multitude would have been sunk in superstition. In both alike all would have perished which deserves the name of manliness."

It is true that about elegant scholarship there is apt to be much selfishness. Look at Erasmus! He was not a man without conscience, or belief in God and goodness. By no means; he believed in all these; but then he is not so terribly in earnest as Luther is. He is light and witty; he is bright and sarcastic; he is fond of society and fond of pleasure. He loves intellectual talk and polished company. He loves his elegant ease so much that he will not risk much even for the truth. Such a man does not feel, as Luther did, the danger of damnation, and he can not, will not, believe that other men are in such great danger as our Lord implied when he said to the self-righteous Pharisees of his day, "Except ye repent, ye shall all likewise perish."

Erasmus thought that Luther ought to have written in Latin when he exposed the vices of the prelates and have used milder language. But he had done a good deal of that kind of writing himself, and what did it all amount to? See him addressing himself with persuasive eloquence to kings and popes and prelates; but all his eloquence is just thrown away.

3. Closely related to this consideration is another fact which must not be overlooked: It has been well said, "Erasmus was no hero and he knew it." He had neither the moral nor the physical courage requisite to face the risks of being a true reformer in such a day of peril as the beginning of the sixteenth century.

By his mental constitution Erasmus was averse to enthusiasm or any deep emotion. He was a scholar and a critic, not a preacher nor an iconoclast. He could not help seeing that much of Luther's teaching was true, but like the friend of Galileo who refused to look through the astronomer's telescope for fear he might see the satellites of Jupiter; so at times the great Dutchman refused to read the writings of Luther that

he might not be compelled to have an opinion about them. He strongly disapproved of Luther's violent language, but for a long time he publicly and privately insisted that most of Luther's teachings about the corruption of the Church was woefully true.

"It is safe to affirm," says Dr. Fisher of Yale College, "that the Erasmian school would eventually have been driven to the wall by the monastic party, which sooner or later would have combined its energies; and that without the sterner battle waged by Luther, the literary reformers, with their lukewarm, equivocal position in relation to fundamental principles, would have succumbed to the terrors of the Inquisition."<sup>1</sup>

But notwithstanding his natural limitations, though he had not the theological insight of Luther, nor the self-sacrificing spirit of Zwingli, nor the courage of Calvin or Knox, yet the Church and the world are much the better and the wiser for his life and labors.

Erasmus was preeminently the witty man of his age. His bright sayings which still float upon the sea of literature were even more appreciated in his own times than in ours. It is perhaps the misfortune of the witty man that with the generality he never gets credit for real serious principle. When the name of such a man is mentioned the majority smile, serious men look grave, and the stupid shake their heads. Erasmus has not escaped the fate of the men of his class, but in spite of all his faults we can not but thank God that He raised up the genial and loving man, the liberal and hopeful Christian, the bright and witty scholar, Desiderius Erasmus of Rotterdam, the Prince of the Humanists.

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<sup>1</sup> Hist. Ref., p. 132.

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**XIX.—THE CAMBRIDGE SCHOOL OF HISTORY.**

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**By MARY R. W. STUBBERT,  
CAMBRIDGE, ENGLAND.**

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## THE CAMBRIDGE SCHOOL OF HISTORY.

By Miss MARY R. W. STUBBERT.

### I.—THE NEW TRIPOS.

It is possible the new historical tripos is of interest to historical students in America, especially as it concerns our common history. Perhaps it is best studied as part of the system to which it belongs. Here we touch a tiresome subject. Examinations have become a science so formal that we sigh for a code. But a code of examinations as they are could never be, because they are so fluctuating. Could there be a code of examinations as they ought to be? Suppose they ought not to be at all, that it is for our sins they exist? The problem then becomes: Given examinations a necessary evil, to search for such as make for intellectual righteousness. We had better limit our present hunt to Cambridge degree examinations. To look among Oxford responsions, mods, and greats; to glance along the Scotch scale of torment; to study the variations London has accomplished, is beyond both our skill and our patience. It is true that no multitude of colleges chartered to give degrees afflicts Great Britain, but the universities multiply degrees and certificates more and more. It is true the smallest certificate has intrinsic worth, but the lay mind no longer recognizes the value at sight, so wide is the possible selection.

“The senate creates and governs triposes according to its pleasure.” I write at Cambridge advisedly; for outside the degree examinations is a mass of others, concerned either with extension work or the various locals. The former is a philanthropic effort to help home study. The locals are interesting as development in technique. In them the university is responsible for the tests of a certain quantity of work, not for the work itself, nor, what is more, for the education. The highest local examination is claimed by some as equivalent to

a poll degree. As matter of fact it is not a poll, and none of these various forms imply Cambridge residence. This residence is a most important part of university training, and it is the most invariable. Triposes may and do vary, but none ever entitles a candidate to a degree before his ninth term of residence. If you be so phenomenal as to become, as far as examinations go, senior wrangler in your sixth term, your college must see that you are kept out of the mischief proverbial to idle folk during the remaining three terms. Fiddling or dancing would do—only you must stay “up.” The almost certain probability is that the student who passed his tripos at the end of his second year would not trouble his tutor to find him employment.

Briefly, we may attempt a sketch of the Cambridge system. First, there are two examinations, one in your own college for matriculation; one in the university, the previous or “little go.” They are common to all students except a few who have distinguished themselves before coming up to Cambridge. Tripos candidates must add an examination in one of three additional subjects, or else an equivalent higher local. Next, each student becomes a candidate for the ordinary degree, or for the tripos, on his chosen subject. If for the former, he has during his three years two more examinations, a general and a special. If these be, as always in the general, of two parts, the two need not be taken at the same time. No part of the general may come earlier than the end of the first year of residence. The special ought to come later in the third year.

The poll men have their own lectures, their own examinations, and the demands of the university upon them are strictly limited. A poll examination is on set books only, not on subjects generally. It is the suitable test for the athlete who comes to Cambridge to read if he has time, for the weak men, and for those whose time may have limitations less severe and serious than the discipline of cricket or river. The rules for residence are less rigid than for the tripos student. Each must keep within the precincts three-fourths of the required nine terms; but the poll man is not required to make consecutive the eight terms previous to his final special. His examinations are more like many of the American ones; they are in sections, and each one passed counts in qualifying for the ordinary degree. Also he is allowed further trial if the first be a failure (till seven times or more if need be). The tripos is based on a different principle. It is a test of the mental

assimilation accomplished in three years. The student's entire undergraduate work is ventured upon it. There is no second trial, except that an occasional allowance is made for illness. Part I of some triposes may be taken in the second year. Part I of no tripos may be taken later than the third year. Part II of no tripos may be taken earlier than the third year. You can not pass a tripos on cram alone. It covers too long a period of study and involves too much independent effort. There is constant practice in written work for your lecturers and "coaches" (private tutors), and each year has a set of intercollegiate examinations called Mays, which show a student's progress; but the university recognizes nothing between the previous and the tripos, and only the university gives a degree.

By the way, we may note that the name of the honor degree examination has nothing to do with its meaning. It is called a tripos from the stool or "tripod" on which the disputing bachelor sat when keeping an exercise. This "ould bachilour" seems to have been sufficiently lively to need the supervision of the senior proctor. The "ould" refers only to academic status. This "bachilour" then disputed for the university with "the eldest son" (the foremost of the questionists), and also with "the father" ("the delegate of the college on whom it devolved to present the candidates"). The steps by which a three-legged stool became an examination are not our present purpose. Mr. Bass Mullinger has traced them neatly for us.

There seem to have been no examinations at Cambridge before the Hanoverians came into England. As late as Waterloo they were charmingly rudimentary. Among the treasures of the university library is a delightful account of Cambridge in the early nineteenth century, fully illustrated. Colleges, trees and meadows, the senate house, library, and university church are sketched in their warmest colors. Doctors, masters, bachelors, noblemen, fellow commoners, pensioners, and sizars are pictured, each in his distinctive dress.

It is with a very bad conscience, indeed, that you search for examinations amongst the letterpress of this gay Cambridge. It seems to have no part or lot with such things. However, at the end of the last volume you find a small statement. It appears that before taking the magic "B. A." a man was subject to two statutable exercises, *ad respondendum questioni*,

two acts and two opponencies. "These, in part, were sometimes dispensed with and kept by what was termed *huddling*." Further (this is not dispensable), there was a public examination before six examiners for five days in Lent. And the author gracefully remarks, "For the nature and method of this very arduous and important examination we beg leave to refer our readers to the University Calendar." At 5 o'clock of the last day the examination is concluded, and a select number (at least thirty) of the *questionists* "who have most distinguished themselves are recommended to the proctors for their approbation and their names set down according to merit and classed in three divisions, viz, wranglers, senior optimes, and junior optimes, which constitute the three orders of honor. The rest also are arranged according to merit, but being excluded from the list of preeminence, are thrown together in common estimation under the vulgar appellation of *Οί πολλοί*, the multitude."

The account shows the development attained by examinations in 1815, and it may not be amiss to bear it in mind as we study them in 1897. Perhaps we may wonder what they have fed on that they should grow so great, but we may hope to find them more serious than fantastic, possibly a feature of the time which is not *fin de siècle*.

Our student of 1897 seeks a degree in law or medicine, or in one of the subjects of the wider faculty of arts. His first duty is selection among many lines. To take a first in a tripos, especially if marked with the precious stars that count each a distinction, is still the highest honor; but the triposes now are ten. If your school be mathematics you may still be the king of the year—the senior wrangler. If your tripos be mathematics, classics, science, theology, law, history, languages, you may take a first. It is not now that you are among, say, the best thirty of the university, be they ever so bad, but that you have actually done first-class work in your subject. Below the thirds you still belong to the vulgar multitude—receive your degree among "the aggregate"—and are degraded to the ordinary.

It appears that the philosophy of both the tripos and the ordinary degree is practical. Usually the undergraduate has but three years. Better devote them to learning to learn one subject. The acquisition of facts is not the point; the specialization implied in even the ordinary degree is not the point.

It is the discipline. You are to learn to focus your powers by mathematics, classics, science, or history, as the case may be. The attainment of this mental habit is the aim of the training, especially of the tripos, which also lays the foundation for progressive work by life students. The tripos candidate is to strengthen and temper his mind. If it were credible that ignorance would do this best, he might purposely be examined in what he did not know. His business is to learn not facts so much as methods and principles. As the poll degree is a question of books, the tripos is one of subjects.

The ten triposes are: (1) Mathematical, (2) classical, (3) moral science, (4) natural science, (5) theological, (6) law, (7) historical, (8) oriental languages, (9) mediæval and modern languages, (10) mechanical sciences.

We will venture to give a slight sketch of Nos. 5 and 7, theology and history. Of the remainder it may be noted that some admit practical work as part of their examination. Natural science does so largely. Modern languages, while it gives no place in class for pronunciation in reading aloud of modern French or German, or for writing them from dictation, allows a mark of distinction for proficiency in these respects. Moral science is considerably concerned with political economy.

In the mechanical sciences, out of ten subjects in Part I, five are practical; out of five in Part II, three are practical. A distinction is allowed for special proficiency in one or more of the subjects. Thus, to test a gas-engine cleverly or hold a saw smartly helps make a star for you. Even in the papers there is much of practical application. Beams, boilers, and bridges are greatly *en évidence*. The following are copied from the oral and practical examination: Tests of struts and shafts; plotting plans and sections; adjustment and use of tools, including the commouer machine tools; practical electriety.

Except law (obviously formal) and oriental languages (usually studied for a practical purpose), what remain? There is pure mathematics, still taught in the spirit of the great Sadderian professor, Arthur Cayley, whom some counted one of the greatest mathematicians the world has known. There is philosophy, whose motive impels it beyond "methodical thinking." There is classics, a tripos by itself, and Hebrew, a part of the theological and of the oriental languages tripos. Men still learn Greek that they may know Plato, and Hebrew that they may know the prophets.

The schools vary in their students from year to year. Classics has never been "a refuge for the destitute." Moral science used to be. Now, says one of its most brilliant masters, "We send all those people to history." The fact is that weaker students can scrape through in any tripos and acquire possibly a third, probably an ordinary. To take a first in a tripos is another story. Sometimes it is one man and one woman that make the historical first for the year. King's is rarely without one first class. The little habit has come to be called "the divine right of King's." But one woman has attempted the theological tripos and but two have done the law.

The theological tripos is a training in sacred things. The teaching from these things is not its primary object. Dogma is theory to account for fact, not teaching with authority. The aim is not so much that of a divinity school whence to send out clergy as that of a science school whence to send out students of the sacred books. The theological tripos is as well adapted to the layman as to the priest, and, in a sense, is as well fitted to the Brahman as to the Christian. It does not concern itself with personal belief. Its aim is to teach men to work upon sacred subject-matter. As the books whence the method is learned are the Scriptures of the Jew and of the Christian, there is much that is Jewish and much that is Christian incidentally acquired in acquiring method; but it is the method that is the motive.

As the books can be known only in the light of their history, a good deal of Hebrew and of Christian church history, including history of Christian doctrine, must be acquired. But to send men down able to study the sacred text for themselves is the purpose of a school still dominated by "The Great Cambridge Three"—Lightfoot, Wescott, Hort. The basis of the Cambridge theology is historical and critical. The tests are two examinations. Neither may be taken before the third year of residence. Part II may only be taken after Part I. Usually, when taken at all, it is in the fourth year. As in mathematics, Part I entitles to a degree. Its examination continues through four days, twenty-four hours in all. The candidate must show his competence, first, to study the Scriptures in Hebrew, Latin, and Greek; second, to discriminate between doctrinal, historical, prophetic, and poetical writings and apply to each its own critical method; third, to compare different renderings of the same passage; fourth, to translate

into the languages of the sacred text as a sign of his command of their significance; fifth, to search original authorities in the contemporary history and literature of any period set one to 461. Part II is rarely taken. It has four sections, whose subjects are, respectively, the Old Testament, the New Testament, history and literature, dogmatics and liturgiology.

In his examination of eight days the candidate must satisfy his examiners in two of these sections. As the work in Sections I and II is critical study of the text, a candidate in them must have marked attainments in Hebrew and Greek. Section III involves two historical periods, from the death of Leo the Great to the present time, each with its illustrative documents. Section IV means the historical study of doctrine and of Christian worship. There is for each part an additional three hours of essay work to test the candidate's power of expression in subjects connected with that part.

Some will say that the theological tripos of Cambridge is named by what it discards. However that may be, the value of the training as scientific, nonsubjective, and fearless is obvious. The exclusion of any authoritative system of doctrine by a university that yet confers degrees in the name of the Trinity may be regretted by some, but it is not necessarily a question for this particular tripos. Possibly as it stands it is too historical and literary to be applied theology—too bare of philosophy to be pure theology. But it claims to be neither.

The historical tripos is interesting from its own history. The problem was, Is the university a place to train men for modern life? Is it a place to equip men unto living? Are they to learn the special theories they are to practice, or are they to learn principles? Take history, for instance. Suppose there is one history science and that it is political. Does the history degree symbolize training in this one science, or does it symbolize training in the art of discerning truth from falsehood, certainty from doubt? The question already affecting (as we have noted) most triposes in practice is to the fore in the history school, not only because of the nature of the subject, but because of the fluid condition, as yet, of historical theory; and it is sharpened by the fact that Cambridge has among its history men some who appear confident not only that political science can be defined, but that its definition includes everything necessary to a liberal education.



The patent establishing the regius professorship of modern history<sup>1</sup> requires that the professor encourage "*recentioris historiae scientiam, linguarumque hodiernarum, tam in scribendo, quam in loquendo.*" One party wished to tie the tripos to this chair. If the chair was political, they argued, the tripos also must be political—witness the patent, and the consistent conduct of Sir John Seeley. But *historia scientia* is not the science of history but the knowledge of history. Even if such were its meaning it is not self-evident that the patent establishing this chair was to define history forever in Cambridge—especially in the face of a few facts. The chair itself seems to have been placed where it was least in the way of other chairs. Neither do its early holders give us any clue to the character of their chair. It is difficult to tell why His Majesty set them in it, unless it were for their ignorance of history.

Then the students are a little vague. Some are commendable as "ornaments of Cambridge," and the first report of their professor hopes that they "may by their zeal and emulation in time deserve the favour of His Grace, the Duke of Newcastle."

Of the 19 King's scholars in modern history and modern languages, all but two were studying French or Italian taught by foreigners. Of the remaining two, one was dead and one "gone from us." This report (October, 1725) appears a first step toward "a knowledge of foreign courts and of foreign languages, accompanied with English probity."

The letter of the vice-chancellor to the secretary of state (May, 1724), shows the final aim was "to make the appearance of an English gentleman in the courts of Europe, with a government of his own nation, less rare and uncommon than it had hitherto been, and to furnish the King with a supply of persons qualified for affairs." It does not appear that the character of the chair, in any way, suggests that it had authority to define a great subject for a university. If, however, it had, there remains another difficulty. On the 16th of April, 1861, the Queen in council approved the following statute for the Regius professorship of modern history.

The directions affecting the professorship, contained in the royal letters patent, September 28, II, George I, and April 11, I, George II, are hereby repealed, except so far as relates to the appointment of the professor by the Crown.

<sup>1</sup> Received official patent, Roll II, Geo. I, Part I, No. 3.



Whatever learned ideal may have floated before King George I, Queen Victoria appears to have abolished all the directions by which it was to be realized. There remains to seek the purpose of the chair in the nature of its subject, history, which the genius of great modern scholars has placed among the foremost of the age.

The Queen still reserves the right of appointment. The Regius professor of modern history represents the Crown within the university in its search for truth as revealed by his high subject. It is to train men for this search that a tripos is erected by the university, as seen by the amended report of the syndicate, approved in the Grace that passed the senate February 27, 1873. The reason for which it advised the separation of law and history was, that "the subject of history is so large and various that it requires a separate and distinct examination." The reason for which the same report advised the erection of the historical tripos reads:

The syndicate consider that history, as the subject of an independent tripos, requires to be placed on a wider basis than its subordinate position in other triposes has hitherto allowed, and believe that in this manner its efficacy in education may best be secured. They propose therefore that ancient and mediæval history should have their due place in the tripos, as well as modern history, so that history may be placed before the student as a whole.

In Grace 3 (historical tripos) there is no trace of defining even modern history by political science, though their sphere may be more commensurate. It is expressly stated that related studies are admitted for their service to history as in harmony with the custom in other triposes. The aim was to substitute none for any tripos, but to elucidate the subject of each and to achieve the good of treating so important themes as these related subjects from different points of view.

The composition of the board for historical studies as decreed by the senate is significant of the scope of these studies. The regius professor of modern history, the regius professor of laws, the professor of political economy, the Whewell professor of international law, examiners for the historical tripos, three members of the senate elected by grace. The Dixie professor of ecclesiastical history was added at the creation of that chair. The report from which we have already quoted required its special subjects to be selected, generally speaking, from the periods termed ancient, mediæval, and modern, respectively.

Such a predominance of pure history could scarcely have passed the senate unchallenged had that body intended a political tripos. Rather does it appear that the harmony of Cambridge historical studies was to vibrate in the chord struck by Lord Acton in his inaugural:

Politics and history are interwoven, but are not commensurate. Ours is a domain that reaches farther than affairs of state, and is not subject to the jurisdiction of governments. It is our function to keep in view and to command the movement of ideas, which are not the effect but the cause of public events; and even to allow some priority to ecclesiastical history over civil, since, by reason of the graver issues concerned, and the vital consequences of error, it opened the way in research, and was the first to be treated by close reasoners and scholars of the higher rank.

The real question at issue in May, 1897, meant, Was history to be taught as a formal science? Even the political men did not wish for an utter abstraction. The actual problem becomes, Is any subject-matter less than life adequate? Can the unity of any living thing, of any progressive nation, be known in any one development? The constitution of the English people is both the method and the sum of their development. The diplomacy of Europe is both the method and the sum of the interaction of its civilized States. Could you construct an England from both? Much less a France or an America from parallel materials. They will give you a French Revolution as the death struggle of a monarchy or as the blind passion of murderers; the American Revolution as a battle of terms. Each becomes a way not to do it, a mistake in the big game. Or try to imagine an historian of the year 3000 studying the United States, period 1776-1900, from the records at Washington. Would he find more than scanty evidence that the Americans were not heathens? Though records be such mass of immaculate evidence as makes history all right but for historians, they may be such a mass as makes it all wrong but for philosophers. Though you grant not only that political science is the only history science, but that it is sharply defined, that will not prove it exhaustive of your subject-matter. When this is natural life we do not hope to learn it from any one science, as biology from botany. Since history claims for its subject life, until it be proved that life is only that of sense philosophers must search for us "those elements that reflect the sky." The chain whose last link is the source of continuity passes through the human soul.

The note of the Cambridge school of history is yet to be

determined in practice. The immediate question, last spring, that of the new tripos, was settled in the true English fashion by compromise rather than by logic, as can be seen by comparing the tripos before and after the decision. The compromise aimed at harmony among the masters in political science, in political economy, in economic history, and in pure history by a concession to each subject. It deepened the tone of the tripos as pure history. It was challenged as unfair to political science, trifling with side issues in political economy, and unsatisfactory to historical training.

The prime offender was indicted as general history. Far be it from any master of arts to speak discourteously of the supposed criminal. It was commendable to know something of so virtuous a prisoner. All good little German boys did, and all schoolmasters should. Indeed, ignorance of general history was so grievous a failure that it appeared it could only be ignored, and that as notorious. The ignorance was so dense that even learned professors failed to pierce it. At Oxford in 1892, one paper proved so frankly a failure that two were required. The action seemed to be interpreted at Cambridge thus: If one dose is bad, two will be better, and the end a school of annals. If the preparatory schools did their duty the undergraduate knew enough general history, especially general English history "which had no intrinsic value," and on matriculation he could proceed to such combination of state structure and state craft, political economy and economics, as with presumption of knowledge of events should confer an honor degree in history.

If the preparatory schools had not done their duty, so much the worse for the schools; and, what the critics of the new tripos did not notice, so much the worse for the university. The degree would mean theory and practice of an unknown quantity. Diplomats should thus be evolved, persons fitted for public life. Surely a university is not a sanctuary whence men may be called to be historians. The pure-history masters including names noted in economics felt they could not overlook the ignorance of undergraduates who even in their "May" examinations could not do a respectable paper on English history; nor the effect of this in post-graduate work.

It was at least an open question whether such a knowledge of general history as is worthy the attention of a university examiner be attainable in childhood and early youth. It was not for

a Cambridge school to fail to differentiate. Whether all general history is "cram" depends on the teacher. Whether no other history is "cram" depends on the same person. Because you can cram dates of battles and lines of kings it does not follow that you can not cram the price of nightcaps in the sixteenth century, the legal quibbles of the seventeenth century, sheaves of treaties in the eighteenth, or prices of wheat in the nineteenth. When is the student to learn to search for broad principles that will hinder "cram?"

Perhaps we may venture to glance at this compromise, the new historical tripos, comparing it with the tripos of 1889-1892. Instead of one examination at the end of three years, consisting of seven out of ten allotted papers (regulations of 1892), we have by the regulations of 1897 an examination consisting of two parts, together making eleven or thirteen out of seventeen allotted papers. Part I must be taken by the end of the second year. It is six out of eight papers. Part II is taken at the end of the third or fourth year. It is open to such as have passed Part I. It is only in cases of slow and rather unusual development that (other things being equal) a third class in Part I of any tripos is followed by a first or a second in Part II. In mathematics the senior wrangler himself is possible as a second-class man in Part II; and most students who attain no higher than a second class in Part I do not even attempt Part II.

Perhaps I need not note that the term "class" has not the same sense as in an American university. It means place, rank. "Year" is the equivalent to the American "class." Three points "locate" the Cambridge tripos student—his college, his year, his tripos. The B. A. adds his class, but drops his year.

So much for the examination. How about the work itself? A copy of the schedule of subjects in 1892, as printed by Dr. Prothero in his Guide to the Historical Tripos, shows the plan after the debate on the admission of the general English history paper in 1892. This modification of plan followed the experience of four years in the decision of 1886, which removed twelve questions on English history and substituted an essay on some subject in English history.

The list of examiners during these years included Bishop Creighton, Dr. Maitland, Dr. Sidgwick, Professor Westlake, Dr. Cunningham, Dr. Prothero, and Mr. York Powell; and all these agreed that the experience taught: First, that the schools gave no adequate instruction in general English his-

tory, and undergraduates could hardly read it for themselves unguided; second, that provision was needed for aiding the student to acquire a really intelligent knowledge of the historic facts; third, that the present tripos requirement (two essays) did not prove the knowledge to have been acquired. Therefore the board recommended six short essays in place of two long essays. Enlarging the number, they also enlarged the scope of the questions. Constitutional and economic matter might now be included. In spite of a determined minority the senate approved the decision of the board. There were some who thought that the tripos was in danger of degradation, especially from the English history paper, which would begin in outlines and end in chaotic cram.

That the other sides of history must appeal to the higher faculties of the mind appeared too obvious to need proof. That outlines (short for any general history) must appeal to the lower faculties appeared equally obvious; except, if we may add, to those privileged to see them traced by a master. However, the "graces" passed November 24, 1892, and the degrading paper was introduced in 1894. In spite of it the tripos maintained so creditable a place that in 1897 a distinguished scholar in political science could claim for this honor degree a very good record. It had begun with no faculty of its own, with no respectable settlement, "a mere branch lopped off from the ancient tree of law." It had never, like natural science, become "the pet child of the university." It had never received even its proper name. It should have been called "historico-politico." Yet in twenty-four years it had enabled 584 men and women to take honor degrees. Nineteen of the 76 firsts had been taken in the last five years "Many of those trained in the Cambridge school" were notoriously devoting their lives to the study of "history or the cognate sciences." For some reason politics held its own or possibly improved in spite of its "low" company.

The plan which the political men opposed in 1892 they were eager to guard in 1897, and that for the sake of preserving the political character of the tripos. It seemed futile to expect it to become purely political. The syndicate of 1872 which drew up the scheme establishing a separate history tripos had recommended "that the study of history should be accompanied with the chief theoretical studies which find their illustration in history."

The following is the scheme as it stood after 1892:

In the historical tripos there are ten papers, allotted as follows:

	Papers.
1. The constitutional history of England.....	2
2. The economic history of England.....	1
3. Political science.....	1
4. Special subject (I).....	2
5. { (a) One special subject (II).....	2
{ (b) Political economy.....	1
General theory of law and government: International law.	1
6. Subjects for essays.....	1
7. General English history.....	1

The special subjects varied from time to time. The scheme obliged a candidate for a degree to acquire some knowledge of political science and considerable knowledge of English history. It obliged him to such research as was necessary to deal with a special subject of his own during the three years of his work. It gave him the option of a second special subject with its original authorities, or study of the theoretic subject under 5 (b), where the reading for political economy was especially wide.

Its constant written work gave a fair amount of literary training. But it allowed a man to take a degree in history which was more English than Teutonic, yet too Teutonic to be English. His only obligatory subjects outside English history were such as might be involved in his special papers; and of the six special subjects set from 1892 to 1894, inclusive, one was English with special reference to domestic history, two were continental subjects involving English history of the eighteenth century. None was earlier than 493. The knowledge of any civilization before the Goths reigned in Italy was accidental, dependent on the student's fancy for reading and the limited amount of ancient history involved in the little-go and in the paper on political science.

Again, even for the special subject, the university made no provision. Some of the college lecturers gave excellent courses upon the special subjects; but the university as such gave no lectures in ancient or mediæval history to guide the student to that knowledge of his period without which he could only grope toward his subject. It gave no general papers in the tripos to test the knowledge or expose the ignorance of its candidates concerning anything anywhere before the fifth century or anything after the fifth century across the Channel.

Yet it was for an honor degree in history that these candidates were to supplicate.

A certain unfortunate Eton boy, who had been so rash as to give a date, was asked by an accomplished Cambridge don whether it was B. C. or A. D. He was sore puzzled, and so he said B. D. Picture him struggling with a special subject. Even for the rare student that knew his centuries the tendency was rather toward an English cult than an apprehension of any other civilization.

The Roman Empire was an accident to which an allusion was proper. The future servant of the state contemplated in George I's patent was not likely thus to acquire such knowledge of its long dominance in Europe as should remove his natural contempt for the foreigner with whom he had to deal. The scheme needed development for the growth both of political and of pure history.

The following schedule offered in 1897 is for the new tripos. It drops the general English history paper and inserts three general history papers on European history. It allows a wider course in political economy, economic history, and political science. The schedule reads:

PART I.

	Papers.
1. Subjects for an essay.....	1
2. Either comparative politics or general European history (ancient)....	1
3. General European history (mediaeval) .....	1
4. English constitutional history to A. D. 1485.....	1
5. Either English economic history or political economy.....	2
6. One of five special historical subjects.....	2

PART II.

1. Subjects for an essay.....	1
2. English constitutional history from A. D. 1485.....	1
3. General European history (modern).....	1
And not less than 2 nor more than 4 of the papers assigned to the following subjects:	
4. A special historical subject.....	2
5. Comparative politics.....	1
6. Analytical and deductive politics.....	1
7. International law .....	1
8. Political economy.....	2
9. A select subject in the history of thought, literature, or art.....	1

The general history papers test the candidate's general knowledge of the subject of his tripos; the English constitutional history his use of authorities, his grasp of the theory



and history of government, and (incidentally) his knowledge of events; the special historical subject tests his more independent work within some given period; the essay, his power of discussing a subject at length as distinct from his power of answering a question. The selection in 2 allows a student's taste to decide whether he will extend his study in pure history or in government; that in 5 secures such economic knowledge as is necessary for all, and allows a student who wishes to specialize in economic science to lay his foundations for future work.

Also to hinder lazy or perverse choice "no candidate shall take one of the two papers allotted to political economy or to a special historical subject without the other." A candidate not obtaining honors in Part I (viz, a candidate that has obtained honors in some other tripos) takes Part II, but is allowed freer choice of subjects. He takes one of the three general history papers, one of the two constitutional history papers; and from the papers allotted to English economic history, Part I. And to subjects 4, 5, 6, 7, 8 and 9, Part II, he takes from three to five papers. The principle of Part II is the same as that of Part I, but the range of choice is wider and the opportunities for distinction are more numerous.

It is a marked feature of both parts that the specialization, while sufficient for training, is sharply limited. Neither essay, nor special period, nor economics lends itself to loose writing. Research is not an undergraduate privilege. Part II rather strengthens concentration than narrows specialization. The entire tripos is synthetic.

By study of special periods it teaches you to use your implements; by study of general history it teaches you to discriminate between "general truths and superficial truths," and gives you "a large number of facts and of generalizations from those facts" by which to aid all historical work; by the study of economics it teaches you to apply the practical facts of the past to the solution of the practical problems of the present; by the study of politics it gives you "such knowledge of the essentials of the history of thought" as is necessary to know "the history of action."

The examinations of Part I will not be held until 1899, and those on Part II not until 1900. Meantime the work is most interesting to watch. In general among the lists of books recommended by the board it is not easy to discriminate what

particular parts of those that are authorities on two subjects, say both law and history, are essential to your purpose; e. g. to history rather than to law. If your college lecturer has not a genius for taking trouble, your first reading is apt to be dreary. You wander among the minutiae of jurisprudence, for instance, when your particular duty is to determine the senses of the word law. Happily, the lecturer at Trinity Hall on theory of law and government has the power of definition and the capacity for taking pains that makes your work clear.

A glance at Part I forces upon us the question of time. Is it possible in two years to accomplish the eight obligatory papers? According to most university authorities you ought not to read for more than two subjects at once. Observing this rule, it is not easy to accomplish Part I in two years while habits of university work are not matured. The early constitutional history occurs in this part and is no trifle in the hands of Mr. Corbett, the Doomsday authority, who has succeeded Dr. Prothero at King's. It appears possible that the time left for revision under the scheme of 1892 will not be secured in the working of the scheme of 1897. This would be a serious difficulty, for it is not before the second reading that you possess your subject. New subjects crowding on you to the hour of examination are fatal to their predecessors.

The number of subjects gives at first sight the impression of "a variety show," but a study of the arrangement brings out the unity of the scheme and the consistency of the variety. In case of any wide reading on any one side a man needs four years rather than three, and it is possibly a mistake that the tripos allows no distinction for this voluntary year. Its addition (as permissible) is a great advantage and makes a better foundation for post-graduate work.

As the tripos guards against too narrow specialization on the economic side, so it does not solicit an evasion of that knowledge of political science necessary to any but a picturesque conception of the state. Such evasion appears improbable so long as political science is ably taught and the other parts of the tripos are so guileless of the picturesque as at present. Also, judging by the lectures on mediæval history, the pure history work is not likely to lure men by its ease.

Although it is the division into two parts that secures the chance of a fourth year, the additional year was not the reason for the division. The board felt that the time had come to

extend their subject, and the examination, already enormous in quantity, became quite impossible from sheer bulk. Thus the board adopted the practice already approved by the university for most other triposes, viz, a division into two parts. The division, however (as indicated in our sketch of the schedule), is, like that of law, simply a splitting of one huge examination into two. It is not, like that of theology and of classics, divided into a general and a special part, although Part II is more specialized than Part I. Like law, history confers a degree only for both parts.

Judging by the experience in law, second-rate men did better by a divided tripos. They gained both in power and quality between the two examinations. Again, since history was a difficult subject, it was better to find out before the three years of a man's university career were past whether he was competent to it. If Part I were proved hopeless at the end of the second year, he could be degraded to the ordinary then, and in his third year secure that degree in history, or (if he had no historical sense) in some other subject.

The action of the board meant that history was no longer "a refuge for the destitute." The division also brought the historical tripos into harmony with the aim of all the other triposes (except oriental languages), viz, to encourage double reading. For, if a tripos have two parts, a student may take one part only, if he prefer, and proceed to Part II in some other subject. The two part triposes are so far a check to narrow specialization. A course of two triposes will combine the best features of the German and the American systems in a method that is English. This is why the Cambridge training has unique value to an American student.

However great the learning of the German savant whom he seeks upon the Continent, the methods in Germany are in many cases those he already knows from his home training. Again, the language is not his own. A foreign tongue, even if fairly well known, is not the readiest medium for critical study. How many Americans abroad for a limited time, say three years, are able to think in German at the beginning?

Again, in England the American student, especially in history, has the same motive for study as the English. The problem is one on whichever side the ocean we are set to work it out. The happiest sign of this is the gracious welcome that waits an American at Cambridge. If he come as an undergraduate, he learns to apprehend his subject and to compre-

hend a new and fine method of treatment. If he come as a graduate, the ablest masters guide him toward research. The University Library is one of the three (Cambridge, Bodleian, and British Museum) at which every book published in Great Britain will be found. Besides this, there are the libraries of history, of archæology, and of natural science, and the college libraries. The last and the University Library hold some of the manuscript treasures of the world. Though you are more than 50 miles from London, a good train service takes you there in an hour and twenty minutes.

Practically, the student of text and records has the British Museum and the Record Office within touch, and Ely and Peterborough are even nearer, while the manorial and town records of the eastern counties are mines of treasure. Above all, the dominant note of Cambridge thought is still that which John Howard bore from the banks of the Cam to those of the Charles. It is not for nothing that history proves each Cambridge revolutionary. In each men differ and yet live, fulfilling every man his duty to God, his neighbor, and himself, not unhelped by his fellow-man.

The student "coming up" for any tripos does well to bring his bicycle. This machine is not yet a part of his qualification for either little go or tripos, but people who ride seem to find it a help to attainment. The Fens are the ideal country for the wheel, and it is making "the don as extinct as the dodo" for part of the day. On his wheel he hardly suggests the cap and gown, and he is so frequently on his wheel that Trinity street, St. Mary's passage, and Trinity lane are rather deserted. He has broken with his haunts. It is no more the academic shades of the "Backs" that woo him, but that wrinkle called the Gogs and fancied a hill. Or he spins by the dikes of the Fens, where once he sauntered under the limes and around the wilderness of St. John's. Trinity has built a shed for 120 bicycles—a mere bagatelle of a stable for a college of 600 and more. The latest suggestion is that Neville's court be appropriated. Need I say that it is a master in economics that finds this a use for the useless (?) arcades?

The wheel must be owned a trial after the giving of an honorary degree. You have just seen a most impressive function in the senate house. The homage of the university has been paid to an ambassador, as to Mr. Bayard, or its wild enthusiasm has been called forth by a Nansen. Or, as on the 11th of

last month, the archbishop of Canterbury and the lord chief justice of England have honored Cambridge by accepting a degree. All has been beautiful in its simple stately symbolism. The lowest representative of the university has not uncovered, the King himself might not wear his cap within those sacred walls, unless he were vice-chancellor, college father, or proctor.

You watch the procession of scarlet and gold, ermine and silver, pass out of the north porch and disappear among the shadows of the library arcades. And then, if you be wise, you will slip down senate house passage by the gate of honor on to Trinity Hall, and, if you be so fortunate as to have leave, into its quaint library, where still cling the marks of chains that once bound books to their shelves, you are soon even further back in the long ago than when within the senate house. But if, alas! you take the other turn, you will come out on King's Parade in time to see the archbishop and the lord chief justice drive off in everyday clothes. And the stately doctors in crimson and gold—where are they? Take care, there is a perfectly ordinary person on a bicycle and there is a red bundle tied to the wheel.

## II.—PUBLIC HOSTELS.

His Grace the Duke of Norfolk, as founder and president of St. Edmund's House, has applied for its recognition as a public hostel in the University of Cambridge, according to the ordinance of June 1, 1882.

It is necessary to remember that the university is a corporation to give degrees, having authority over its members, but not over the colleges. It confers its degrees on the fulfillment of certain conditions—residence and examinations. At first only the official of a college might testify that a man had kept his nine terms and passed his qualifying examinations. Later the censor of noncollegiate students, the recognized head of a private hostel, the recognized head of a public hostel, were allowed to present supplicats for degrees.

The ordinance of June 1, 1882, laid down general principles by which any particular application for recognition as a public hostel was to be judged, principles that show a distinct variation from the college on the one hand and the private hostel on the other. The college is a self-governing community, the heads being chosen by the fellows. There are exceptions: Jesus, Magdalen, Downing, and notably Trinity—a Crown

A private hostel is governed by its head, and the student is educated in the university on condition that the hostel is always open to university inspection. The public hostel has a governing body appointed by royal charter or by its articles of association, not by the university.

There appear some slight guaranties for the matters of more obvious government. There are practically none for development. Yet the mental attitude of a public hostel is possibly antagonistic to that of the university upon whose dignity it supports itself. The cause is irrelevant, e. g., be it religion or be it natural science, the effect is contradiction to the essential notion of the corporate life of the university. The plea of toleration is equally irrelevant. The question in such a case is not what the university may allow any set of men to believe, but whether it may sacrifice aught of its own unity and of its essential conception of the unity of knowledge.

The public hostel has a master. Like the head of the private hostel, he must be a member of the senate. But his relation to the senate, to the governing body, to his community of students, is not defined save by his title. On the whole, these regulations of June, 1882, are as flexible as the most ardent admirer of the English constitution could desire. Evidently there is a chance for case law.

What precedents, then, have been established under the ordinance? In February, 1883, Selwyn College became a public hostel. Like Keble, at Oxford, it is a memorial to an honored member of the university to which it belongs. As he was a bishop in the Church of England, it had been deemed fitting that the students, laymen, or future priest, be of that communion. A college founded to commemorate the Selwyns as famous oars would not instinctively open its doors to men who wished to avoid the river.

The constitution of Selwyn is defined by royal charter, wherein the Queen sanctioned the desire of certain humble petitioners and loving subjects to erect, as a permanent memorial to Bishop Selwyn, a college to bear the impress of his self-denying character and convictions, and to aim at training young men in simple and religious habits according to the principles of the Church of England. It is then to sanction a mode of life in accordance with the principles of the national church that the Crown incorporated and the university recognized Selwyn College; not to provide for religious scruples or

technical training; not to differentiate from the university teaching or to seclude a class from university influence.

The masters of Selwyn, men of distinction, marked by their Cambridge spirit and traditions, have actually governed with their council somewhat as does the master of a college with those of the fellows, who form the governing body. Among the council were the bishop of the diocese, two university professors holding by the Crown, one university professor from the theological faculty, four members appointed by the Crown, one member appointed by the university. This membership, together with the government of the master in council, was the guaranty that the first public hostel offered the university.

Cavendish College, an institution for very young men, received recognition about the same time. It proved a financial failure.

A third institution now asks recognition. The object of St. Edmund's House is "to found, establish, endow, maintain, and conduct a hostel for students or college in or near to Cambridge, in which men who are destined for the secular priesthood of the 'Catholic Church in communion with the See of Rome,' may be educated as members of the University of Cambridge."

The twenty-fifth of the forty-seven articles of association leaves the statutes free to develop. It may be noted that in the case of a public hostel or of a new college peculiar responsibility falls on the university to see that the aims are not inconsistent with academic principles.

The governing body has no member appointed by the Crown, none appointed by the university. The government rests with the visitor, who is the head of the Roman mission to England; five ecclesiastical superiors, who are bishops of the same mission; and the house, i. e., the association, a body of twenty-five Roman Catholic priests and laymen recognized under the companies acts and holding the power commonly exercised by the governing body of a college, with this qualification, "subject to the joint consent of the visitor and founder."

Where then is the "master?" Let us look again if perchance we may yet find him. Selwyn has proved that public hostel practice does not exclude him, and by the letter of the regulations of 1882, theory requires him. A second perusal discovers the title, Master of St. Edmund's House, worn by a

member of the senate as by ordinance required. So we take courage for a third reading of the articles; surely they must contain an office corresponding to this name. Our search gives us an answer like that of a puzzled person to the question: Why is this child called John? Because that is his name. The master is elected by the house, but he does not belong to the house. His election is subject to the approval of the ecclesiastical superiors. None of either body need be members of the university. Once elected he is supervised and directed in the internal government of the college by the ecclesiastical superiors. As tutor he may not determine studies for his men as intellectual beings, but as future spiritual officials, and that according to the supervisors. The ecclesiastical supervisors shall have powers

to prescribe points of ecclesiastical discipline to which the scholars and students shall be subject, either within or without the college, and to ensure that the lectures delivered and the studies pursued in the college are suitable for ecclesiastical students.

But this is inconsistent with the tutor's allegiance to a university whose business is a man's intellectual powers.

Finally the Master of St. Edmund's is dismissible at request of the house, or of his supervisors, according to the discretion of the head of the Roman mission in England. With this same head it lies to retain him, provided he be a secular priest of "the Catholic Church in communion with the See of Rome," who has attained a Cambridge degree.

Whatever may be the advantages of the system, it is a novelty in the university, and suggests a curious power of variation in the new institutions. The hostel now before the Senate practically cuts off that cardinal college feature, the head, although it is the one organ the hostel possesses capable of responsibility to the Senate. A Cambridge head is first a ruler; the head of St. Edmund's is an executive shorn of his power. He is to a Cambridge head as is the President of the French Republic to the President of the United States; unless, indeed, we have sought him in the wrong place. Should we have looked at the pro cathedral or at Cardinal Vaughan's house? But then, the cardinal is not a member of the Senate, and he is not resident.

The discussion by members of the senate was a fine illustration of the power of scholars to restrict argument. Everybody wished to welcome all Roman Catholics as fellow-students.



National feeling and love of liberty moved the most conservative of the senate to give to every Englishman whatever he asked, especially if it would forward his purpose. On the other hand, among both Conservatives and Liberals are men who feel that Romanism is not helpful and who recognize in it no special authority. However much they desired to welcome Roman Catholics as students, they could not establish a Roman Catholic center for Roman Catholic purposes in their university.

Again, there are the English Catholics. These hold themselves bound by the first canon of Antioch, made ecumenical at Chalcedon, and as such forming part of the universal code of the Catholic Church. In accordance with its principle, they require any schismatic priests to seek rehabilitation from the lawful bishop of the diocese before exercising their office within his jurisdiction, and they can not forward the development of any pseudo-jurisdiction lest they aid and abet schism.

But none of these reasons might influence debate. The senate knows nothing of religious preferences. This makes a great debate at any meeting previous to a vote more solid in conclusions from fact. It also makes the translations of conclusions into actions variable. The senate in debate is objective—very. The senate in action is subjective—somewhat.

According to the debate, it appeared that the hostel in question made a dangerous precedent for sectarian education. The privilege could not be restricted to the Roman Catholics without injustice to other bodies—the Jews, for instance. Thus might the university become a godless republic, encircled by a ring of righteous monarchies. Controversy on “the known” would hinder pursuit of the unknown. Religious controversy, by its nature, must touch the individual. That is contrary to the spirit of the test act. Besides, to remove a test from every college, as was done twenty-five years ago, and then to establish institutions below colleges, and below in self-government, with tests is inconsistent. The “grace” would authorize the use of associated residence, a Cambridge mark, in favor of any creed founding its exclusive hostel. A change in the character of Cambridge residence must involve change in the value of the Cambridge degree. As evidence of the power of some sectarian education to impede the func-

tion of the university, a keen opponent read the circular letter sent by their bishop to those Roman Catholics whose sons were to become students at the universities.

It is ordered that there be established, for the benefit of young Catholic residents at Oxford and Cambridge, regular courses of lectures or conferences by Catholic professors, in which philology, history, and religion shall be treated with such amplitude and solidity as to furnish effectual protection against public and erroneous teaching. Attendance at these lectures is regarded by the Holy See as carrying with it by its own nature a grave obligation, and every Catholic undergraduate is bound to attend the course of lectures with sufficient frequency to render them a real safeguard against rationalistic teaching and the spirit of indifferentism.

A lay Roman Catholic member of the senate kindly became commentator on the letter, a necessary service to the Englishmen of the meeting, since the letter did not mean what it said. The commentator "well understood the reasons for the wish expressed" in the text, "but it did not mean that these young men were not to bring an open, candid mind to bear on such investigations as their studies might require. It merely meant that for them there existed a religious authority." Usually in both England and Rome "it is ordered" means it is commanded, not it is wished. It was this unfortunate sense of control that led to even plainer speech between various English kings and the bishop of Rome, from the interchange of courtesies between Norman William and Gregory onward. Perhaps when even the astute mind of Henry Plantagenet and the legal sense of England's royal Justinian failed to understand, the Cambridge senate may be pardoned slowness of comprehension. Besides, by its sacred economics, it was wicked waste to bring "authority" within the precincts for naught. What is it for? Why has it got that name?

Again, it seemed that the provisions, however satisfactory in character, were no safeguard, since they came from a governing body incompetent to permanent control; alien to the university.

Nor were the dangers from sectarian education felt to be all. The "grace" to St. Edmunds's house appeared to some the "grace" to one profession to establish its hostel for technical training. One wonders why should not an enthusiastic labor leader urge that a royal commission force the senate to its logical sequence in a procession of trades hostels. In any case the "grace" was a "grace" to one profession to educate its

men apart. The recognition of such an institution introduces the seminarist idea, one incompatible with that of the university. Cambridge education means that all men shall meet in common, shall rub down angles, shall go out from their university in touch with their fellow-men. According to the Cambridge idea, secular priests educated by the seminary plan are unfitted for afterwork. Their seclusion narrows them and unfits them for contact with the laity. They will have been at the university, but not of the university. Yet they wish to wear its degree.

Doubtless the plan gives to the students in question better lectures than they would otherwise have. It is less trying to the liberal Roman Catholics than the present plan for their secular priests which does not appear quite efficient in an age when religion demands the consecration of the intellect. It is less baneful to Ultramontano Romanists than complete university education would be. Nevertheless it ties the Cambridge degree to a seminary.

There were some rather negative reasons for recognition. Because of what the proposal did not do it was to be accepted. Because it did not fail to fulfill the letter of the ordinance it was not to be rejected. It was reasonably urged that it was for the good of the men and for the good of the nation that all men come to the university. So it had proved with the Nonconformists. The difference is that the latter did come to be *of* the university.

The test act proved slightly flexible. Since by this it was decided that great institutions like the colleges ought not to be brotherhoods for one community, the colleges were thrown open. The act determined the university as national. Every sectarian college diminishes that character, and therefore violates the spirit of the act. On the other hand, the act did not say that no restricted college might be founded. Since it left the Church of England service established in some of the colleges, it does not prohibit some religious service in colleges within the university. But the immediate question is not one of prayers.

The strongest reason for the recognition of all sectarian hostels is very strong. Liberty is to Cambridge as the breath of life. Is it, then, possible for her to shut out so great a force in life as is religion? If not, can she prevent the association of men of like belief? This, however, does not involve asso-

ciation of those who are preparing for one special work in life, nor association subject to exterior control incompetent to guarantees.

In the debate but four men opposed the "grace." But their arguments were not answered. Their final words were:

The ideal university should open its doors to all students. But it would be a mistake to recognize a special institution on conditions which will throw the student character of its members into the background. It seemed that these men did not come to the university to investigate the great questions of life, but rather as pledged to a conclusion, and under authorities of whom all that was known was that their spirit was opposed to that free investigation which was the life of the university. They might come if they would, and were welcome to use the teaching given here, but it was another thing to ask for formal recognition when they professedly disbelieved in freedom of investigation.

But are there no reasons for which the university might grant an exceptional recognition, especially if differently guarded? The petition is for responsible beings who have fully chosen a mode of life and for whom it is claimed that this isolation is imperative. A warm advocate for recognition ventured to hope, early in the debate, that before its close some statement might be made as to the view taken by the Roman Catholic hierarchy. The hope proved vain. Finally another member put the following question to the master-elect of St. Edmund's:

Why might not the permission to become members of the existing colleges at Cambridge, now allowed (by Roman Catholic authorities) to Roman Catholic students, be extended to those being educated for the secular priesthood?

The reply was:

(a) If the students in question did not come up to some such institution as that proposed they would not come at all. (b) The bishops would not let them. (c) It was the way they did at Bonn and Paris. (d) It could not be said that the plan would be in any way inefficient for them, for unless it were adopted these men would not have any university education at all.

The reply did not answer, so a persistent member repeated the question. The second reply, as to why these men might not join the college, was—

(a) That they had lived apart for three hundred years; (b) that a stricter discipline was enforced, to which it would be unreasonable to expect that lay students should submit.

A third time of asking might have elucidated a wherefore more supporting to the "grace." Any such helpful stroke

was parried by the blow of a friend, which drilled in the proposition irrelevant to the question asked and affirmed two others to be quite clear: (a) That several provincial synods of the communion of the petitioners had affirmed the principle; (b) that on other principles they might not be let come.

The meeting had learned the cause rather than the reason for the exclusion of these students from the privileges of the university, and, not being responsible, adjourned.

To an historical student the statement on discipline is puzzling; for, first, the idea discipline, be it of body, mind, or spirit, is not foreign to Cambridge, as witness many of her sons. That the technique is not obvious is true. English discipline, bodily and spiritual, is like English law, voluntary and difficult of finding out. Second, we are told it would be unreasonable to expect other Roman Catholic students to submit to the special discipline in question. But the laity did submit to it, or else they managed under the one roof without submitting, for there was no such isolation for undergraduates until modern times. Nor can it be that any class of men able to prepare worthily for a high calling in the midst of a mediæval town and university life should find that life in the nineteenth century too contaminating. Third, we are told that these students in certain universities have had a house to themselves for three hundred years. This may show the custom no anachronism. The development of the renaissance in England, the Council of Trent, the housing of the Roman Catholic priests, come within the same one hundred years. But coincidence is not always satisfactory. Moreover, a house apart is not necessarily a public hostel. A private hostel may be most rigorously apart and adapted to any code of discipline. The public hostel gains in status and prestige by its near approach to a college, but not in opportunities for discipline. And status and prestige are no part of any religion. If the dominant motive of St. Edmund's be promotion of knowledge and not gain of status, surely that is possible in the present status of these students as noncollegiate or in a private hostel.

Finally, it is urged that the desire of the students in question—at present eight—to be educated in such a hostel as St. Edmund's House proposes to establish should decide the question, even if the senate or many of its members consider these undergraduates to be mistaken. This surpasses in cold argu-

ment (?) the impulsive action of last spring. It was novel to see the power of undergraduate opinion in the degrees for women and its extraordinary crudity of expression. Still it did represent the majority of undergraduate Cambridge, and, as matter of fact, the university does belong to them next to the senate. If, in method of warfare, MacGregor sometimes forgot what was due his own heath, why, MacGregor missed an opportunity to honor his traditions. But nobody could question that he was MacGregor and that he was on his own heath. Now, it appears to be a question of eight noncollegiate students having right to determine an important step of the university by the sum of their eight desires. In the words of a fly sheet issued by certain members of the senate:

Such an argument reduces the whole constitution of the university to an absurdity. The university is responsible for all its members *in statu pupillari*, and the responsibility necessarily involves control. If we are too modest to exercise the control we ought to be too conscientious to accept the responsibility.



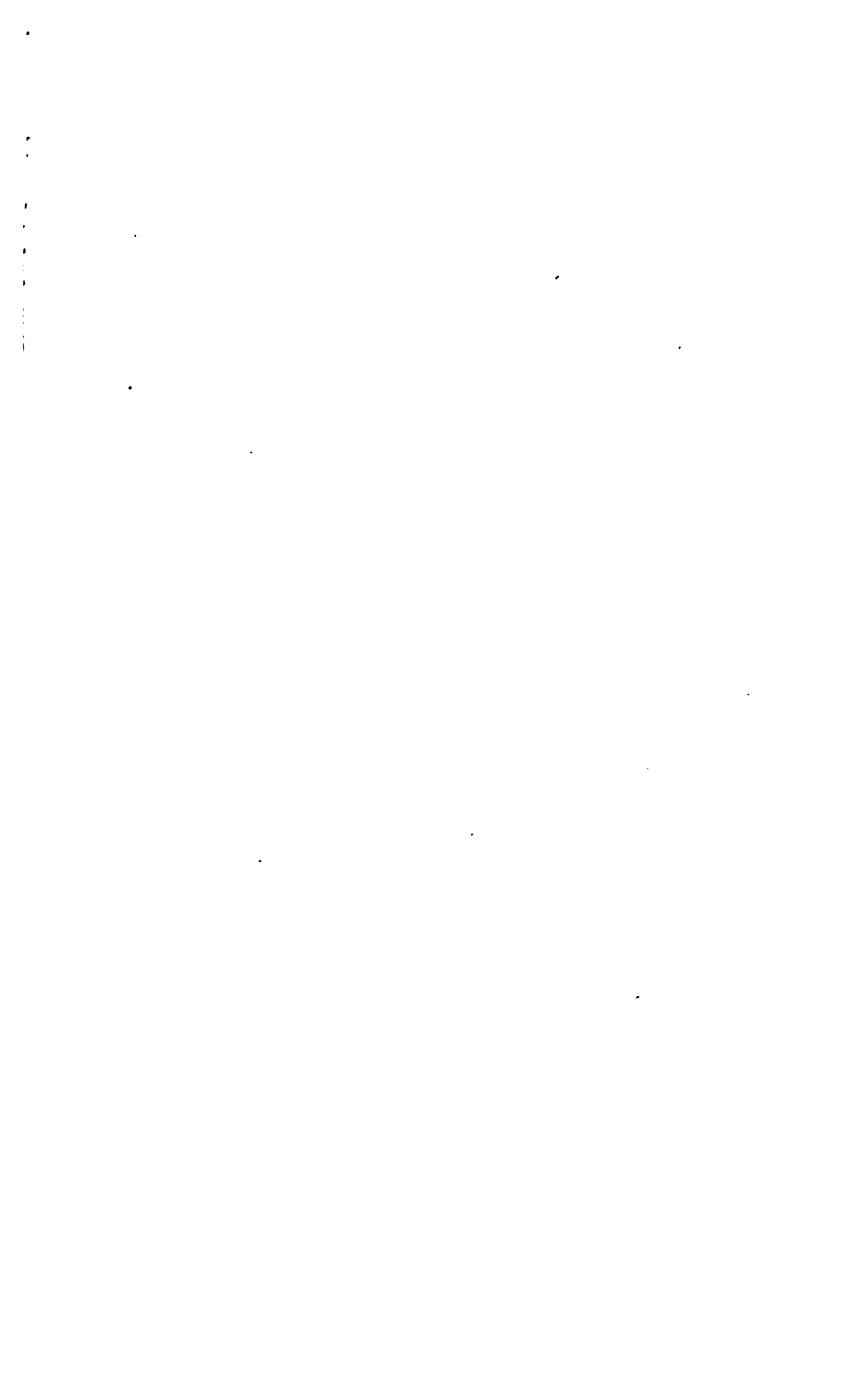
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**XX.—MUNICIPAL GOVERNMENT IN THE TWELFTH CENTURY.**

**By JOHN MARTIN VINCENT, Ph. D.,  
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## MUNICIPAL GOVERNMENT IN THE TWELFTH CENTURY.

By JOHN MARTIN VINCENT.

The intention of this paper is to bring forward only a single phase in the history of municipal government and to draw the illustrations chiefly from a single city. It is, in fact, a study of the first constitution of Strassburg; but this is a document which has the further distinction of being the oldest municipal code in the history of Germany.

The original compilers of these statutes left no data respecting the time of their enactment, but modern editors have shown reasonable grounds for believing that the first half of the twelfth century was the period. The contents show that the time was previous to the introduction of self-government, and thus the code may serve as a typical illustration of city life under the feudal system.

Strassburg, however, was not a creation of this time. A long history already lay behind it. As the Roman colony of Argentoratum it was marked as a place of importance, and as the Argentina of the Middle Ages it was highly esteemed by German kings and emperors. Although Strassburg to-day has an extremely mediæval aspect, we must picture to ourselves a still older town. Seated on a river-bound island, like the cité of Paris, it had not yet fully occupied even that space, which is now simply one section of the center of the city. There was a so-called "old city" in the corner of the island, and the suburbs of this had grown up and been fortified into the "new city," but both parts were governed as one.

Here a population probably less than 10,000 lived in houses even more picturesque than you find there now. It was too soon to look for tile roofs with audacious gables, surmounted by tall chimneys and guarded by tall storks. The storks may have been there, but doubt might be thrown upon that statement, for the time is rather early for chimneys. Probably

timbered houses with thatched roofs were interspersed with a few churches, but no mighty cathedral dominated the landscape. Although there was such a building, it was smaller and of such a character that the chroniclers periodically reported "combustum est ministerium Argentinensis."

Over this water-bound plexus of walls, moats, houses, streets, gardens, and plowed fields, there stood an authority whose presence was daily evident and whose power was acknowledged. This was the bishop of the diocese of Strassburg. From time immemorial these ecclesiastics had retained the feudal tenure of this province, for a charter of 982 simply reaffirms this privilege because it had been granted by earlier kings and emperors.

Consequently we are prepared to find in the code before us that the person to whom "all magistrates in this city look for power" is still the bishop. Visible evidence of his presence was the episcopal palace which stood in the old city, on the site of the ducal palace now occupied by the University of Strassburg. On one side this faced the public street, and was accessible to the come and go of public business, while to the rear the bishop's garden extended to the river Brüsich. All along the ancient wall of the city at the side of this garden ran for many blocks the bishop's stables.

It was indeed an establishment of distinction. Vicar of the Pope and ecclesiastical lord of a diocese, the bishop was at the same time an imperial viceroy, as it were, and feudal prince. In all of these capacities he was a powerful land owner, and commanded large services and revenues from territorial and clerical dependents. Consequently it is not always clear in the code before us upon what ground certain dues are based, whether feudal or municipal. It is evident, however, that the purpose of the law was to make sure that all of the bishop's rights were maintained.

So great was the feudal establishment of the bishop that he was obliged to keep a body of officers who formed a miniature court about the episcopal throne. A vicedominus or vicar, a marshal, a butler, a cup bearer and a chamberlain performed the duties of such ministers, but as they were entirely distinct from the corps of officials provided for the city and only incidentally mentioned in connection with the revenues of the bishop we may pass them by for matters more strictly municipal.

The code begins, like all good constitutions, by laying down a few general principles. "Argentina," says the ancient record, "is founded after the pattern of other cities in this respect, that every man, stranger as well as native, shall have peace in her at all times and from all persons." Consequently no one may lay violent hands upon a criminal who has sought refuge in the city, but shall await the due process of justice. Yet no one need expect to bring booty or stolen goods into the place without furnishing an explanation to anyone who may complain of him, nor to hold a captive there unless he bring him to the magistrates to keep for trial.

For the administration of affairs on this basis five chief officers were provided. These were the advocate (vogt), the cauidicus (schultheiss), the burggraf, the thelonearius (or collector), and the master of the mint. These were all appointed by the bishop. Nothing is said about elections except in the case of the advocate, who could not be placed in office "without the consent of the clergy, the ministerials, and the citizens." No clew is given as to method of showing this consent.

The advocate was the immediate representative of the bishop in the administration of the higher degrees of justice. As ecclesiastics were forbidden the shedding of blood, the advocate was the man who received instead of the bishop the power to judge over life and death. Being thus clothed with royal authority, he in turn invested the four next inferior officials with power to judge of minor offenses. It was a deputy of the advocate who executed the sentences of death, the putting out of eyes, and other mutilations. The official courtesy to be observed in such matters was regulated with great nicety. We find that in cases of punishment by hanging the ordinary jailer of the city was expected to conduct the condemned to the place of execution, to bind his eyes with a cloth, to erect the gallows, to place the ladder in position, and to lead the criminal to the foot of it, but at this point he obligingly retired and allowed the deputy advocate to place the victim on the ladder, to adjust the rope, and complete the suspension.

The cauidicus, or schultheiss, was more immediately connected with the government of the city. In appointing this official the bishop was not restricted in his choice except by the general rule that no public office except that of advocate

should be given to any person outside of the ecclesiastical household or dependents. This is, in fact, the key to the situation. It is the government of a town through feudal ministrals, tempered by a certain amount of popular consent.

The schultheiss was the sole judge over larceny and minor breaches of the peace, and appointed two inferior magistrates called judges (judices), who settled cases of debt. He appointed also the city jailer and constables. We may estimate the size of the place somewhat by the fact that the whole police force consisted of the aforesaid prison keeper and three bailiffs, one for the inner and two for the outer city.

Third in importance was the burggraf. His duties would in our day belong mostly to one branch of the police department. For one thing, he was more or less a regulator of industry, for it was the burggraf who appointed the masters of the guilds. There were eleven of these at the time in Strassburg, and they do not seem to have had even enough right of self-government to elect their own masters. If any of these were delinquent in duty or partial in management they could be cited before the burggraf. His court, like that of the advocate, was in the Episcopal palace, and if his mandate were not obeyed he could carry the case up to the bishop.

As inspector of buildings the burggraf must see to it that new houses or shops did not encroach upon the streets, for which trespass a heavy fine was established, as well as for injury to the fortifications. For bridges the burggraf and collector were personally responsible, in the old and new town, respectively. Bridges must be built, in the first place, strong enough to bear wagons and oxen, "but if by reason of old age or too much use," one of them broke down and caused injury to a passenger, the above-named officers had to pay the damages.

The burggraf had also a voice in the erection of flour mills. If anyone wished to start such an industry, it did not lie with himself to decide whether business would warrant the enterprise, but he must first obtain the consent of the populace and then the license of the burggraf. Having gained both, he may proceed to build, after tipping that official with a coin of gold. In this article and in one other place there seems to be a certain amount of choice assigned to the people, but nowhere are there any indications as to how that should be expressed. Not till the next century was Strassburg enabled to enjoy the blessings of a city council.

In a mediæval market town like this tolls and taxes were among the prominent features of life. In Strassburg it was laid down as a general principle in the law that all exchanges amounting to five of their shillings should be taxed. The toll on that sum was the penny, which was the small silver coin of the day, and consequently you paid fourpence in the pound, or 1.6 per cent. Unfortunately, the prices of things are not given in the code, but one may figure out the value of an average horse, since the tax on a sale of that kind was specifically fixed at fourpence, while the stamp duty on a mule was only a penny.

The law particularly states that hens, geese, eggs, and a variety of other things were exempt from taxation unless the sale amounted to five solidi, so we may see that the ordinary market basket was safe from invasion. But there was the emissary of the bishop, who collected a tax on coal (probably charcoal in those days), and at another time the tithes of wine and tribute from a certain kind of bread. The burggraf had a tax upon swords and on a few natural products, so the payments were doubtless frequent enough. Special favor, however, was shown to members of the Episcopal establishment. Any man or woman attached to the familia ecclesie might sell anything which they had made or raised with their own hands free of duty. They might also purchase materials for their own use or manufacture, but if any one of these people was convicted of selling what he had not made or buying to sell for gain, the penalty was the loss of a hand.

The greater part of the tolls came into the hands of the thelonarius, or collector. He was also inspector of wet and dry measures, and had the custody of the standard quarts and pecks, which the master of the wine merchants furnished him. Private measures must be branded and private scales were allowed if obtained at the mint. A delightful touch of simplicity is to be seen in the paragraph on this subject, where it is gravely stated in Latin that the collector is on no account to lend these officials measures "unless perchance he wanted to treat a fellow-citizen to an aman of wine, or a quartal of grain or some small thing like that without payment."

Of the officials provided for in this code the foregoing are all that we should consider as properly belonging to the government of a city. Yet in Strassburg and in other mediæval cities there was another functionary who had much to do with the economic and commercial situation. This was the master of the mint. The

bishop was the holder of the coining privilege, but appointed a *magister monetæ* to superintend the practical side.

A large part of the code is taken up with regulations for the mint, but I call attention only to the immense influence which the bishop might have on the welfare of his citizens. He had the right to call in the coin whenever he pleased, provided notice was given during six weeks at intervals of a fortnight. After that there was a heavy fine, and even the punishment of hand cutting, for passing the condemned coin.

Occasionally this was necessary on account of counterfeits, but frequently the object was to gather in the fees for recoinage, which varied from 1 to 8 per cent. The possibilities are shown in the history of Braunsweig. There the coin was apparently called in about once a year only, but the price of silver varied on this account every month. At the time of the new issue you paid at the mint 16 of the old *denarii* for 12 of the new. Six months later they were at par. At the end of the year, just before the new issue, 12 were worth only 9. Consequently the price of merchandise increased every quarter till the greatest confusion arose. In 1284 the citizens of Braunsweig were obliged to pay their ecclesiastical lord a large sum of money to stop calling in the coin.

We can easily picture to ourselves the primitive mint in Strassburg, which the code places next to the fish market. A group of men with rude dies and hammers are striking off silver pennies, one at a time, while others are shearing blanks or cutting new patterns. The whole thing flashes out of a single clause in the law which ordains that all coins shall be struck in the same house, so that the artisans can see each other's work. Only a little study of early German coins convinces one of the wisdom of any measure which might improve the looks of the money.

Attention has already been called to some of the general ordinances regulating public works, the control of the streets, the building of mills, and the preservation of the walls and moats. The sanitary measures were few, but striking from a modern point of view. No one was allowed to throw filth in the street before his house unless he expected to take it away immediately. Public places were provided where such matters must be deposited, to wit: "Beside the meat stalls, beside St. Stephen's Church, by the well in the horse market, and at the place called the Dump."<sup>1</sup> As to the matter of swine, the

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<sup>1</sup> Gerwirke, section 82.



place was in advance of some towns seven centuries younger, since no citizen was allowed to keep such pets unless he gave them into the charge of a swineherd who should pasture them in a certain field outside the gates.

We may doubt whether the theory of city government was very carefully wrought out in Strasburg in the twelfth century, but certain principles are quite clear. The tendency in our day is to place great power and responsibility in the hands of the mayor. You will have noted that there is no doubt as to who has the appointing power in Strasburg. The bishop appoints the chief functionaries and they appoint their subordinates. The consent of the clergy and citizens seems to be necessary only in case of the advocate. The salaries consist of a part of the fees and fines, and tenure of office appears to be for life.

No mention is made of a town council or board of aldermen, either elective or hereditary. The bishops would not be anxious to divide their power with persons whom they might control completely, for the law expressly provided that no one should judge over the city except the Emperor, the bishop, and those whom the latter appointed.

The bishop was responsible to the Emperor only in the feudal sense, and emperors visited the city at infrequent periods. So the bishop was practically responsible only to his Creator, and that court of last resort was also remote. It was not till the beginning of the thirteenth century that the Emperor responded to the petition of the citizens and, in spite of the opposition of the bishop, granted them the right to have a common council.

We may note again in passing that under the old régime franchises were granted by popular vote—if you take the milling privilege as an example—and that for them a payment was made to the chief of police; but the law said he might have it.

The most curious features of Strasburgian civic duties have yet to be mentioned. That is to say, they seem curious from the modern standpoint, but were quite matter-of-fact in the twelfth century. A certain amount of personal service was required of every class of citizens, if not of every individual. The obligations of the various trades form a large portion of the code, and specifications are given with much detail. In most cases it seems that each craft, as a whole, was taxed a certain number of its articles of manufacture, and after that was obliged to make as many more as the bishop wanted, but



with his material or at his expense, or they were to furnish a fixed number of men to do such work as he desired.

Contributions were increased on the occasions when the bishop journeyed to the imperial court, or joined in expeditions of war. These were looked upon as public occasions, and we may regard the extra duties as the repartition of taxation among feudal dependents.

For instance, the merchants were obliged to furnish every year twenty-four men from their number, who should undertake the negotiations of the bishop within his diocese. They traveled at the expense of the ecclesiastical court, and in case of injury to themselves or property while absent might claim reimbursement. These men formed a most highly honored class of public servants, for the law expressly provided that whenever the bishop gave any festivities to which the vassals were gathered together, these legates or negotiators should be given prominent seats, so that they might be better known to the men of the province.

Of the furriers, twelve men were to be furnished who were to make all the articles necessary for the episcopal household, and if there were not hides enough in Strasburg the master of the guild should go to Mainz or Strasburg and buy with the bishop's money.

The blacksmiths were made particularly useful, since not a certain number, but the whole class, was laid under contribution. When the bishop went out to war he demanded four horseshoes with their nails from every smith, and for a journey to court two from each. If this prelate besieged a castle or was besieged in one, the whole smithcraft was obliged to make up a purse of three hundred arrows and be ready to forge as many more as were needed. Their ordinary duties were to provide the palace with all necessary ironwork, being furnished at such times with material and board. They must also make the locks and chains for the city gates, but these at the public expense.

This, by the way, is the only article in the code which makes use of the term "public funds." In other cases responsibility is laid upon individual officials, as if it were a personal matter. But we may well suppose that the burgraf, since he had charge of the walls, would look after the locks on the gates. The citizens may have appreciated that he was using their money, even if the burgraf himself was not nice on such points.

Shoemakers and glovers were also obliged to furnish workmen at the bishop's expense, and on special occasions contribute goods. The saddlers gave two saddles for a court journey, and made more if requested and paid for. Such occasions laid upon the sword polishers the duty of brightening the arms and helmets of the bishop's chief ministers and attendants, and if necessary they must furbish up the hunting outfit which his reverence used in the chase.

The makers of wooden dishes furnished only what they were paid for, but they must keep the episcopal family supplied. They must have had steady employment, for the master cooper was enjoined to keep them in daily wood.

The coopers likewise worked only for pay. The chief cooper saw to it that wood was supplied, the bishop's cellar master furnished the hoops, and the undercoopers kept things tight.

So many regulations for the household supply do not necessarily show fear of strikes, but should probably be ascribed to the bishop's feudal rights. His claim came first as a sort of banalité, and is minutely laid down to prevent misunderstanding.

In the passage relating to tapsters a most ancient and honorable precedent is found for the use of the first day of the week for cleaning up. The above-named guild were obliged to appear every Monday morning at the palace and to sweep out the granary and outhouse, if so desired.

When the bishop traveled by water it fell to the fishermen and millers to furnish the oarsmen. The collector provided the boats and the watermen the oars. They received pay for their services, but were compelled to go anywhere between certain points up and down the river. They could not take advantage of their lord on such an occasion and threaten to put him out at some disagreeable place. The bishop must be returned safely to the landing at the episcopal orchard. The fishermen, furthermore, were obliged to spend three days and three nights each year in fishing for the bishop.

The regulations for the artisans close with the article upon carpenters. These useful citizens were required to appear before the palace every Monday morning at daybreak and remain there till the bell should ring for early mass. If within this time they were not taken into the employ of the bishop they might consider themselves free to work elsewhere that day. No one but the bishop could thus compel them to go into service.

Besides the labor taxation above considered there was a tribute of work due from the inhabitants in general. With exception of a specified number from the trades, or in some cases excepting whole classes of artisans, every citizen was expected to labor five days a year upon the episcopal home estate. This lay apparently within the bounds of the city, and the *corvée* did not draw the people far from home.

Certain officials were obliged to contribute to the expense of cultivation. The *schultheiss* (mayor), for instance, should furnish thirteen plow oxen, which he should appropriate from the estates of episcopal vassals deceased. He gave also one horse to be ridden by the head farmer and to be used for carrying seed to the field. Plows and harrows were given by the head farmer.

In spring and fall the people all turned out, and we may imagine that the occasions were more or less picnics, for which the town officers and the bishops furnished the eatables. At harvest time the judges, in connection with the bishop's servants, formed a committee on storage, and as a reward each received a malter, or about 12 bushels, at thrashing time.

Among regulations so minute as these it should not seem strange that the oxen, so important in the farm economy, should live and, in fact, die according to Latin statutes of their own. Article 100 declares that the *schultheiss* (mayor) should not put them to any use, unless perhaps to cultivate his own small field, nor should the bishop himself use them for any other purpose than plowing. "And if," says article 101, with mournful precision, "from among these cattle one or two or more, on account of old age or for any other reason except contagious disease, become unfit for farm work, the butchers shall place their flesh on sale and give the money to the *schultheiss*, and in the meantime no other meat shall be sold."

Thus we catch a glimpse of the daily existence of a busy community just before it entered into the most flourishing period of its mediæval life. We find a municipal life in which the duties are decidedly complex and not altogether easy to classify. We observe, however, that the complexity is due to the threefold position of the owner of the palace, as ecclesiastic, imperial governor, and feudal baron, so that the taxpayer was compelled to render unto Cæsar the things which belonged to the bishop. It was a period when rents and public dues

were paid sometimes in money, sometimes in services, and so this code provides a variety of ways in which church tithes, city defense, and manorial quitrents may be rendered in cash or in kind.

That the ordinary citizen, or possibly even the bishop, was conscious of all these distinctions may perhaps be too much to infer. The services so overlapped one another that probably the most that the merchant or carpenter thought about it was that the great man in the palace, on your right as you entered the south gate of the old city, was the person to whom all the reverence and about all the taxes were due.

Whether the burdens here imposed on the people were hard to bear would be difficult to decide. Whether it was a hardship to be compelled, as the artisans were, to work for pay would depend on the kind of a paymaster the bishop proved to be. We do know that later on frequent strife arose, and repeated appeals were carried to the Emperor, till the citizens were finally given a voice in the government of the city.

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## THE STUDY OF HISTORY IN SCHOOLS.

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### PREFACE.

In the early winter of 1896 the committee making the following report was appointed by the American Historical Association to consider the subject of history in the secondary schools and to draw up a scheme of college-entrance requirements in history. Since that time we have held five meetings, each lasting several days; at each of these meetings all the members of the committee have been present, except that Professor Salmon was absent in Europe during the last two. Every question involving doubt has been carefully, thoroughly, and systematically discussed, and in the conclusions here presented all the members concur.

Of the seven persons composing the committee only one is a teacher in a secondary school; three others, however, have been secondary school teachers, while others have been interested for years in the general problems under consideration. Although we felt that we had at the beginning some knowledge of the situation, and knew of the difficulties and limitations as well as of the accomplishments of the schools, it seemed necessary to make a careful study of the whole question and to gather information concerning the conditions and the tendencies of historical instruction. We have endeavored, in the light of the actual facts, to prepare a report that may be useful and suggestive to teachers of history and that may furnish to superintendents and principals some assistance in the task of framing programmes and in determining methods of work. We have sought to be helpful rather than merely critical or depreciatory, and have tried to consider the whole field in a broad and general way, remembering that we were making suggestions and recommendations, not for the schools of one section or of one kind, but for the schools of the nation.

## PRELIMINARY WORK OF THE COMMITTEE.

History, as a secondary study, now demands serious attention. The report of the National Commissioner of Education for 1896-97 shows that there were at that time 186,581 pupils in the secondary schools studying history (other than United States history). No statistics have been collected to show the number studying the history and government of the United States; but there is good ground for saying that, if such students were taken into account, the number of history pupils would be found to exceed 200,000, and would perhaps equal if not exceed in number those engaged in the study of any other subject save algebra. According to the statistics of the Bureau of Education the number of pupils studying history (other than United States history) has increased 152 per cent in the last ten years, a rate of increase below that of only one subject in the curriculum. These simple facts seem to make it plain that college-entrance requirements, that are properly based upon the work and tendencies of the secondary schools, should include a liberal amount of history among the prescribed and optional studies.

An investigation of the subject of history, as it is studied and taught in the secondary schools, presents many difficulties. Even before the committee began seriously to consider what work was to be done, it became apparent that only a thorough study would be profitable, that general conclusions or recommendations, even on such a question as that of college entrance requirements, could not be made without an examination of the whole field and a consideration of many fundamental principles or without ascertaining what was doing in the high schools and academies of the country.

Before this work was undertaken there had not been any systematic attempt of this kind; nor had there been any prolonged effort by any national association to present the claims of history, or to set before the schoolmen a statement of what might be considered the value of historical study and the place which it should occupy in the school programme. We do not leave out of consideration the work of the Committee of Ten, nor do we underestimate the value or the effect of the able and highly interesting report of the Madison Conference on History, Civil Government, and Economics;<sup>1</sup> and we do

<sup>1</sup> This conference was held in December, 1892; its conclusions form a part of the report of the Committee of Ten, published by the Bureau of Education in 1893, and reprinted by the American Book Company, New York, 1894.

not lose sight of the fact that historical instruction in the secondary schools had often been discussed in pedagogical conferences and teachers' associations. Before we began our work it was plain that there was an awakening interest in this whole subject, and the time seemed to be at hand when a systematic effort would meet with response and produce results. But in spite of all that had been done, and in spite of this awakened interest, there was no recognized consensus of opinion in the country at large, not one generally accepted judgment, not even one well-known point of agreement, which would serve as a beginning for a consideration of the place of history in the high-school curriculum. Such a statement can not be made concerning any other subject commonly taught in the secondary schools. The task of the committee was, therefore, to discover the actual situation, to see what was doing and what was the prevailing sentiment, to localize and establish a modicum of practices and principles, however small and limited it might be; and, having apprehended what was best and most helpful in spirit and tendency among teachers of the country, to seek to give that spirit expression in a report that would be helpful and suggestive, and that would be of service in widening the field of agreement and in laying the foundations for a common understanding.

In all of our work we have endeavored not only to discover any agreement or common understanding that may exist among American teachers, but to keep in mind the fact that local conditions and environments vary exceedingly; that what may be expected of a large and well-equipped school need not be expected of a small one, and that large preparatory schools and academies, some of them intentionally fitting boys for one or two universities, are in a situation quite unlike that in which the great majority of high schools are compelled to work. We have sought chiefly to discuss, in an argumentative way, the general subject submitted for consideration; to offer suggestions as to methods of historical teaching and as to the place of history on the school programme, being fully aware that, when all is said and done, only so much will be adopted as appeals to the sense and judgment of the secondary teachers and superintendents, and that any rigid list of requirements or any body of peremptory demands, however judiciously framed, not only would but should be disregarded in schools whose local conditions make it unwise to accept them.



The committee determined that every reasonable means should be used to ascertain the present condition of historical study. Several hundred circulars asking for information were sent out to schools in all parts of the United States, selected not because they were supposed to be exceptionally good or exceptionally bad or unusually strong in historical work, but because they were recommended to the committee by competent authority as typical schools. Circulars were sent to different kinds of schools—to those in small towns as well as to those in large cities, and to private academies as well as to public high schools. About 250 replies have been received, and the information thus gathered is presented and discussed in Appendix I to this report.

But to seek information through printed interrogatories is always somewhat unsatisfactory, and the committee therefore used other means also. Steps were taken to secure full discussions in the different educational associations of the country, in order that many teachers might become interested in the work of the committee and give needful information, and in order that there might be a free interchange of opinion on some of the more important problems that called for solution. Discussions on some portions of our report have been held by the New England History Teachers' Association, the Association of Colleges and Preparatory Schools of the Middle States and Maryland, the Michigan Schoolmasters' Club, the Round Table in History of the National Educational Association, and by other educational bodies, as well as at two meetings of the American Historical Association. Moreover, at various times in the course of the past two years different members of the committee have personally consulted teachers and talked the subject over with them. These efforts seem to demonstrate that we have not reached conclusions hastily, and that our report is not merely the expression of the theoretical aspirations of college professors who are unacquainted with the conditions of the secondary schools. It is, in a very proper sense, the result of careful examination and systematic inquiry concerning the secondary conditions of the country.

It is not necessary to review here, in detail, the conclusions reached from a study of the circulars received from the schools. It will be seen by an examination of these conclusions, as presented in the Appendix, that in regard to many matters on which we sought information there is little or no agreement.

Concerning the amount of history offered, the fields of history studied, the order in which the different fields are taken up, and the years in which the subject is taught, there is much diversity of practice; but, on the other hand, we find marked approach to uniformity in one particular, namely, that good schools in all parts of the United States have adopted substantially similar methods of instruction. It is perfectly plain that the old rote system is going by the board. Practically every school now reports the use of material outside the textbook, and recognizes that a library is necessary for efficient work; and nearly all teachers assign topics for investigation by the pupil, or give written recitations, or adopt like means of arousing the pupil's interest and of leading him to think and work in some measure independently, in order that he may acquire power as well as information.<sup>1</sup> Of course these methods are more extensively developed in some schools than in others; but the facts point to a common understanding, or at least to the approach toward a common understanding, of what history teaching should be, and to a growing appreciation of what historical study can do. We venture to say that if a school has well-trained teachers, who know why they teach and how to teach, the order of historical studies, or the exact method of handling a field of historical inquiry, is comparatively unimportant; and it is this evidence of a realization that history has a value as a pedagogical subject, indicating as it does a new interest on the part of teachers and directors of schools, and bringing surely in its train a demand for skillful teachers, which should give courage and hope to those who are interested in the successful use of history as a means of discipline and culture.

In matters of detail, the conclusions that could be drawn from the replies to the circulars were somewhat meager, but they were helpful in enabling the committee to judge of tendencies and to form a general opinion as to existing conditions. But, as we have already said, we have not contented ourselves with this method of ascertaining the situation. By the more personal means adopted we have gained information which can not readily be tabulated, but which enables us to have some assurance concerning the tendencies of the time, and to feel

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<sup>1</sup> Undoubtedly the report of the Madison Conference had a very beneficial influence in this direction, by calling the attention of the teachers of the country to what ideals of historical instruction are.

that in many respects present conditions are not satisfactory to the active, progressive teachers of the country. It is often more valuable to find out how one highly successful teacher attains his end than how twenty unsuccessful teachers do not; and to discover what practical, experienced teachers, who have given thought to the subject, think can be done and should be done, than to know the static condition of twenty others who are content with the semi-success or the failure of the present.

In the summer of 1897 three members of the committee were studying educational problems in Europe. Miss Salmon spent the summer in Germany and German Switzerland, studying the methods of historical instruction in the secondary schools. The results of her investigations were given in a paper read before the American Historical Association in December, 1897. Mr. Haskins has at different times studied the educational system of France; after a further examination of secondary conditions in 1897, he prepared a report on the subject of history teaching in that country. Mr. Fox has a thorough acquaintance with the English public schools, and has prepared a report on the teaching of history in the secondary schools of England. These articles on the conditions of historical instruction in European countries are given as appendices to this report. They are not offered as furnishing us models to which we ought to conform, but as investigations in the study of comparative education; they may, however, give to teachers of this country suggestions on the subject of general pedagogical values, methods of historical instruction, and the arrangement of studies. The committee has not supposed that it is possible to import a foreign-made régime to which the American schools can be asked to adapt themselves.

It will be seen that of foreign countries Germany is the one that offers to America the most lessons, of which probably the most important is that suggested by the great advantage resulting from having the subject of history, as well as other subjects, in the hands of thoroughly equipped teachers, who have received instruction in method and are versed in the art of imparting information with due regard to the pupil's age and degree of mental advancement. In the German gymnasia the course of history, from Homeric times to the present day, is covered with great thoroughness and system. To this part of the report on the German schools we wish to

call special attention, for while we do not think that it is profitable for us, even in this particular, to follow the German curriculum exactly, we believe that there should be an effort on the part of those who are organizing programmes to reach toward this ideal by extending the course of history over a number of years and by developing it in accordance with the psychological principles which have been adhered to in the preparation of the German course of study. It should be noticed, too, that in German schools history is correlated with other subjects. The teacher of history, where opportunity offers, makes use of the foreign language which the pupils are studying, and the language teacher refers to historical facts. One subject in the curriculum thus helps to reinforce another. The methods of the German teachers also deserve careful consideration. Interest is aroused by skillful oral teaching, in which the teacher adapts his story to the minds and capacities of his hearers and so holds their attention that concentration of mind and ability to grasp the subject are developed. It must be confessed that Miss Salmon's description of how a teacher in Bâle, in the middle of a hot summer day, held the breathless attention of a class of boys for fifty minutes while he told the story of the dramatic struggle between Henry IV and Gregory VII, suggests not only phenomenal methods but unusual boys; but withal we must attribute the teacher's success to his skill and to the previous training which the boys had received in the lower grades, where inattention or heedlessness was not tolerated.

Doubtless teachers of history in this country can not follow the example of German teachers in all respects. The German believes that until the boy reaches the university he has no judgment to be appealed to and no great reasoning faculty to be developed; that it is his business, until 18 or 19 years of age, to absorb, not to argue or discuss. He is not expected to ask questions; he is expected to do what he is told. Such, however, is not the system for making American citizens and such is not the atmosphere in which the American boy or girl should live. Nor can it be said that under our present conditions the teacher of history should attempt to give instruction to secondary pupils without the help of a text.

The system and methods of instruction in the schools of France are interesting, but somewhat less suggestive than those of the German schools. There, as in Germany, history

is in the hands of trained teachers, who have a capacity for holding the pupil's attention, arousing interest, and developing a love for historical study, as well as for giving a vast amount of historical information. The course of study is long, thorough, and systematically organized. The conditions of German Switzerland are essentially similar to those of Germany itself.

The situation in England does not offer many valuable lessons to American teachers. The most noticeable features are a lack of historical instruction, a common failure to recognize the value of history, and a certain incoherence and general confusion. We can not here discuss the reasons for these conditions. It is enough to say that the *laissez faire* idea has been carried farther and is more marked in England than in America; for, on the whole, we have an educational system, and each passing year shows an increase in the common stock of principles. And yet one who examines the condition of historical instruction in this country, and compares it with that of France and Germany, feels that Englishmen and Americans are of one blood; the individualistic spirit of the races has found unusual expression in educational practices, and has made against cooperation and harmony, while instinctive aversion to theoretical arrangement has hindered the development of general principles. A comparison of English conditions with those of the continent will be likely to show the value of system and order, and the advantage resulting from the sway of good pedagogical doctrines. We must endeavor in America to reach a system of our own, and to recognize the force of sound principles, without losing sight of the fact that our local conditions are many, and that we must rely on individual initiative and enthusiasm, if not on impulse. Nevertheless, in spite of local diversity, and in spite of the fact that a rigid régime seems on the whole impossible, if not undesirable, in this country, there are sound general principles that may be termed absolute rather than relative; there is a proper method of unfolding the subject, and there are improper methods; or, to speak more justly, method and system, which recognize the true character of the study and the principles by which it may be adapted to pupils of different ages, are certainly wiser and better than any haphazard method and lack of system can be.

While it is impossible to transplant any foreign course of study to our schools, and unwise to imitate blindly European

methods of instruction, there are at least two lessons that may be learned from foreign schools, namely, the wisdom of demanding thoroughly trained teachers of history, and that of giving a large place to historical instruction in all courses. In both France and Germany, history is taught by special teachers, whose historical training has been carried to a point well beyond our American bachelor's degree, and whose pedagogical ability has been specially tested. In France, an hour and a half each week is given to history throughout the ten years of the elementary school and lycée; in Germany, history is pursued two or three hours weekly in every year of the nine years of the gymnasium; and even in Russia the time given to history is much longer than in the average American school. Not merely on these grounds, however, do we ask larger recognition for history; we hope to present, in the course of this report, substantial reasons for such recognition drawn from the nature of the subject and from its relations to the development of American boys and girls; but we call attention to what is now done in other countries as evidence that our recommendations are not fanciful or revolutionary.

#### VALUE OF HISTORICAL STUDY.

It may seem to be unnecessary to consider the value of historical study in itself, or to show how history may be related to other subjects in the school curriculum. As a matter of fact, however, the educational value of every other subject has received more attention than that of history; indeed, only within the last few years has there been anything like a thoughtful discussion by practical teachers of the worth of history as a disciplinary study. When so much has been said of the necessity of studying the natural sciences, in order that one may come to some realization of the physical and vital world about him, and may know himself better as he knows his surroundings more thoroughly and in order that his powers of observation may be quickened and strengthened, it seems strange indeed that the same method of argument has not been used in behalf of historical work. If it is desirable that the high-school pupil should know the physical world, that he should know the habits of ants and bees, the laws of floral growth, the simple reactions in the chemical retort, it is certainly even more desirable that he should be led to see the steps in the development of the human race, and should have

some dim perception of his own place, and of his country's place, in the great movements of men. One does not need to say in these latter days that secondary education ought to fit boys and girls to become, not scholastics, but men and women who know their surroundings and have come to a sympathetic knowledge of their environment; and it does not seem necessary now to argue that the most essential result of secondary education is acquaintance with political and social environment, some appreciation of the nature of the state and society, some sense of the duties and responsibilities of citizenship, some capacity in dealing with political and governmental questions, something of the broad and tolerant spirit which is bred by the study of past times and conditions.

It is a law well recognized by psychologists, a law of which the teacher in school or college sees daily application and illustration, that one obtains knowledge by adding to the ideas which one already has new ideas organically related to the old. Recent psychological pedagogy looks upon the child as a reacting organism, and declares that he should be trained in those reactions which he will most need as an adult. The chief object of every experienced teacher is to get pupils to think properly after the method adopted in his particular line of work; not an accumulation of information, but the habit of correct thinking, is the supreme result of good teaching in every branch of instruction. All this simply means that the student who is taught to consider political subjects in school, who is led to look at matters historically, has some mental equipment for a comprehension of the political and social problems that will confront him in everyday life, and has received practical preparation for social adaptation and for forceful participation in civic activities.

We do not think that this preparation is satisfactorily acquired merely through the study of civil government, which, strictly construed, has to do only with existing institutions. The pupil should see the growth of the institutions which surround him; he should see the work of men; he should study the living concrete facts of the past; he should know of nations that have risen and fallen; he should see tyranny, vulgarity, greed, benevolence, patriotism, self-sacrifice brought out in the lives and works of men. So strongly has this thought taken hold of writers of civil government, that they no longer content themselves with a description of the government as it

is, but describe at considerable length the origin and development of the institutions of which they speak. While we have no desire to underestimate the value of civil government as a secondary study, especially if it is written and taught from the historical point of view, we desire to emphasize the thought that appreciation and sympathy for the present is best secured by a study of the past; and while we believe that it is the imperative duty of every high school and academy to teach boys and girls the elementary knowledge of the political machinery which they will be called upon to manage as citizens of a free State, we insist also that they should have the broader knowledge, the more intelligent spirit, that comes from a study of other men and of other times. They should be led to see that society is in movement, that what one sees about him is not the eternal but the transient, and that in the processes of change virtue must be militant if it is to be triumphant.

While it is doubtless true that too much may be made of the idea that history furnishes us with rules, precepts, and maxims which may be used as immutable principles, as unerring guides for the conduct of the statesman and the practical politician or as means of foretelling the future, it is equally true that progress comes by making additions to the past or by its silent modification. All our institutions, our habits of thought and modes of action, are inheritances from preceding ages; no conscious advance, no worthy reform, can be secured without both a knowledge of the present and an appreciation of how forces have worked in the social and political organization of former times. If this be so, need we seriously argue that the boys and girls in the schoolroom should be introduced to the past, which has created the present—that historical-mindedness should be in some slight measure bred within them, and that they should be given the habit, or the beginnings of a habit, of considering what has been when they discuss what is or what should be?

Believing, then, that one of the chief objects of study is to bring boys and girls to some knowledge of their environment and to fit them to become intelligent citizens, we need hardly say that, if the study of history helps to accomplish this object, the public schools of the country are under the heaviest obligations to foster the study, and not to treat it as an intruder entitled only to a berth in a cold corner, after language, mathematics, science, music, drawing, and gymnastics have been



comfortably provided for. "It is clear," as Thomas Arnold has said, "that in whatever it is our duty to act, those matters also it is our duty to study." It is true that any subject which aids the pupil to think correctly to be accurate and painstaking, which awakens his interest in books and gives him resources within himself, in reality fits him for good and useful citizenship; but what other subjects do in this direction more or less indirectly, history does directly; and moreover, if properly taught, it is not inferior to other subjects as a disciplinary and educational study. Fortunately, an examination of school programmes, educational periodicals, and like material will now convince anyone that educators are coming to the conclusion that history must receive more attention and must be taught wisely and well.

History cultivates the judgment by leading the pupil to see the relation between cause and effect as cause and effect appear in human affairs. We do not mean by this that his attention should be directed solely to great moving causes, or that he should study what is sometimes called the "philosophy of history;" far from it. Nor do we mean that time should be consumed in discussing the meaning of facts when the facts themselves are not known. But history has to do with the becoming of past events, not simply with what was, but with what came to be, and in studying the simplest forms of historical narrative even the average pupil comes to see that one thing leads to another; he begins quite unconsciously to see that events do not simply succeed each other in time, but that one grows out of another, or rather out of a combination of many others. Thus, before the end of the secondary course the well-trained pupil has acquired some power in seeing relationships and detecting analogies. While it is perfectly true that the generalizing faculty is developed late, and that the secondary pupil will often learn unrelated data with ease, if not with avidity, it is equally true that history in the hands of the competent teacher is a great instrument for developing in the pupil capacity for seeing underlying reasons and for comprehending motives. In the ordinary class-room work, both in science and in mathematics, there is little opportunity for discussion, for differences of opinion, for balancing of probabilities; and yet in everyday life we seldom deal with mathematical demonstrations or concern ourselves with scientific observations; we reach conclusions by a judicious consideration of circumstances and conditions, some of them in apparent

conflict with one another and none of them susceptible of exact measurement and determination.

The study of history gives training not only in acquiring facts but in arranging and systematizing them and in putting forth individual product. Power of gathering information is important, and this power the study of history cultivates; but the power of using information is of greater importance, and this power, too, is developed by historical work. We do not ask that pupils should be required to do so-called "laboratory work"—we abjure the phrase—and create histories out of absolutely unhewn and unframed material; we simply say that if a pupil is taught to get ideas and facts from various books, and to put those facts together into a new form, his ability to make use of knowledge is increased and strengthened. By assigning well-chosen topics that are adapted to the capacity of the pupil, and by requiring him to gather his information in various places, the teacher may train the pupil to collect historical material, to arrange it, and to put it forth. This practice, we repeat, develops capacity for effective work, not capacity for absorption alone.<sup>1</sup>

History is also helpful in developing what is sometimes called the scientific habit of mind and thought. In one sense this may mean the habit of thorough investigation for one's self of all sources of information before one reaches conclusions or expresses decided opinions. But only the learned specialist can thus test more than the most ordinary and commonplace truths or principles in any field of work. The scientific habit of mind in a broader sense means a recognition of the fact that sound conclusions do rest on somebody's patient investigations; that, although we must accept the work of others, everybody is required to study and think and examine before he positively asserts; that every question should be approached without prejudice; that open mindedness, candor, honesty, are requisites for the attainment of scientific knowledge. The thoughtful teacher of experience will probably say that even in the earlier years of the secondary course these prime requisites of wholesome education may in some measure be cultivated; and that, when opportunity for comparative work is given in the later years, historical mindedness may be so developed as materially to influence the character and habits of the pupil.

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<sup>1</sup> A consideration of what is said in a later division of this report on the methods of teaching will show more fully how history may be used to this end.

While we believe that power and not information must be the chief end of all school work, we must not underestimate the value of a store of historical material. By the study of history the pupil acquires a knowledge of facts that is to him a source of pleasure and gratification in his after life. If there be any truth in the saying that culture consists of an acquaintance with the best which the past has produced—a very insufficient definition, to be sure—we need not argue about the value of historical information. But we may emphasize that brighter and broader culture which springs from a sympathy with the onward movements of the past and an intelligent comprehension of the duties of the present. Many a teacher has found that in dealing with the great and noble acts and struggles of bygone men he has succeeded in reaching the inner nature of the real boys and girls of his classes, and has given them impulses and honorable prejudices that are the surest sources of permanent and worthy refinement. We may venture to suggest that character is of even greater value than culture.

A no less important result of historical study is the training which pupils receive in the handling of books. History, more than any other subject in the secondary curriculum, demands for effective work a library and the ability to use it. Skill in extracting knowledge from the printed page, or in thumbing indexes and fingering tables of contents, is of great value to anyone who is called upon to use books. The inability to discover what a book contains or where information is to be found is one of the common failings of the unschooled and the untrained man. Through the study of history this facility in handling material may be cultivated, and at the same time the pupil may be introduced to good literature and inspired with a love for reading which will prove a priceless treasure to him. In this latter respect the study of history is second to that of English literature alone.

With these results of historical study two others of decided value may in conclusion be briefly mentioned: By the reading of good books, and by constant efforts to re-create the real past and make it live again, the pupil's imagination is at once quickened, strengthened, and disciplined; and by means of the ordinary oral recitation, if properly conducted, he may be taught to express himself in well-chosen words. In the study of foreign language, he learns words and sees distinctions in their meanings; in the study of science, he learns to speak

with technical exactness and care; in the study of history, while he must speak truthfully and accurately, he must seek to find apt words of his own with which to describe past conditions and to clothe his ideas in a broad field of work which has no technical method of expression and no peculiar phraseology.

CONTINUITY OF HISTORICAL STUDY AND THE RELATION OF HISTORY TO OTHER SUBJECTS.

We have no intention of framing a secondary-school course in which each study shall be carefully related in time and space with every other. Such a process is, for the present at least, a task for each superintendent or principal in the conduct of his own work. Certain suggestions, however, are pertinent, and may be helpful.

We believe that, whenever possible, history should be a continuous study. In some schools it is now given in three successive years; in others it is offered in each of the four years of at least one course. Some practical teachers, impressed with this need of continuity and feeling unable to give more time to the work, have thought it wise to give the subject in periods of only two recitations per week for one year or more; and such a plan may prove desirable for the purpose of connecting two years in which the work is given four or five times per week, or for the purpose of extending the course. Probably two periods a week, however, will seem altogether impracticable to the great majority of teachers, and we do not recommend that this step be taken when the circumstances allow more substantial work. A practical working programme in one of the very best western schools presents the following course:

	Periods.
Seventh grade, American history.....	4
Eighth grade, American history.....	2
Ninth grade (first year of high school), Greek and Roman history.....	3
Tenth grade, English history.....	3
Eleventh grade, institutional history.....	2
Twelfth grade, American history.....	2

Another school of high grade, where effective work is done, gives history in three periods per week for two years, and in five periods per week for two more years, viz:

	Periods.
First year of high school, Oriental, Greek, and Roman history.....	3
Second year, mediæval and modern European history.....	3
Third year, English history.....	5
Fourth year, American history, economics, and civics.....	5

In both of these schools some of the historical work is optional or elective, other parts are required. These courses are given here simply to show how a long, continuous course may be arranged in case the circumstances make it inadvisable to give work four or five times per week for four years. We do not recommend courses in which the study comes twice a week, but only say that in some instances they may prove advisable as a means of keeping the parts of the course in connection. We can not see our way clear to proposing the acceptance of a two hour course in history for entrance to college, if units are counted or definite requirements are laid down.

A secondary-school course in which there are many distinct subjects may furnish to the pupil only bits of information, and not give the discipline resulting from a prolonged and continuous application to one subject, which is gradually unfolded as the pupil's mind and powers are developed. A course without unity may be distracting, and not educating in the original and best sense of the word. At least in some courses of the high school or academy, history is the best subject to give unity, continuity, and strength. Where a foreign language is pursued for four consecutive years, it serves this purpose; but in other cases it is doubtful whether anything can do the work so well as history. Even science has so many branches and distinct divisions—at all events as it is customarily taught—that it does not seem to be a continuous subject. Doubtless there are relationships between physiology, chemistry, physics, botany, and physical geography, and of course the methods of work in all of them are similar; but to treat science as one subject, so that it may give opportunity for continuous development of the pupil, and for a gradual unfolding of the problems of a single field of human study, seems to us to present many almost insurmountable difficulties. A committee of historical students may be pardoned, therefore, for thinking that history furnishes a better instrument than science for such purposes. The history of the human race is one subject; and a course of four years can be so arranged as to make the study a continually developing and enlarging one, as the needs and capacities of the pupil are developed and enlarged.

History should not be set at one side, as if it had no relation with other subjects in the secondary course. Ideal conditions

will prevail when the teachers in one field of work are able to take wise advantage of what their pupils are doing in another; when the teacher of Latin or Greek will call the attention of his pupils, as they read Cæsar or Xenophon, to the facts which they have learned in their history classes; when the teachers of French and German and English will do the same; when the teacher of physical geography will remember that the earth is man's dwelling place, or more properly his growing place, and will be able to relate the mountains, seas, and tides of which he speaks with the growth and progress of men; when he will remember that Marco Polo and Henry the Navigator and Meriwether Lewis were unfolding geography and making history, and that Cape Verde not only juts out into the Atlantic, but stands forth as a promontory in human history. Is the time far distant when the march of the Ten Thousand will be looked upon not merely as a procession of optative moods and conditional clauses, but as an account of the great victory of Greek skill, discipline, and intelligence over the helplessness of Oriental confusion? And will Cæsar long be taught only as a compound of ablative absolutes and indirect discourses, rather than as a story, told by one of history's greatest men, of how our Teutonic forefathers were brought face to face with Roman power, and how the peoples of Gaul were subjected to the art and the arms of Rome, and made to pass under the yoke of bondage to southern civilization and southern law? The teacher of history, if he knows the foreign languages which his pupils are studying, may connect the words they have learned with concrete things; and he may, above all, help to give the young people who are trying to master a foreign tongue some appreciation of the tone, temper, and spirit of the people, without which a language seems void and characterless.

History has a central position among the subjects of the curriculum. Like literature, it deals with man, and appeals to the sympathy, the imagination, and the emotional nature of the pupils. Like natural science, it employs methods of careful and unprejudiced investigation. It belongs to the humanities, for its essential purpose is to disclose human life; but it also searches for data, groups them, and builds generalizations from them. Though it may not be a science itself, its methods are similar to scientific methods, and are valuable in inculcating in the pupil a regard for accuracy and a reverence for truth. It corrects the formalistic bias of language by

bringing the pupil into sympathetic contact with actualities and with the mind of man as it has reacted on his environment. It gives breadth, outlook, and human interest, which are not easily developed by the study of natural phenomena. Thus, as a theoretical proposition, at least, the assertion that the story of the life and the onward movement of men, not their language or their physical environment, should form the center of a liberal course, would seem to leave little ground for argument.

We may add to all these considerations the fact that even in the natural sciences, as well as in other subjects, the historical method is not seldom used by advanced scholars and thinkers. The scholarly scientific investigator knows from careful study the development of his subject; he sees the successes and the failures of the past, and recognizes the lasting contributions that have from time to time been made in his field of investigation; he often studies the civilization that gave birth to bygone and obsolete theories, and comes thus to a knowledge of his department of work as a growing and developing department. So, too, the advanced linguistic scholar is frequently engaged, not so much in the study of language as in the examination of successive intellectual movements which have found expression in literature. This practice of linking the present with the past, of watching progress and studying change, has become one of the marked characteristics of modern learning; and it indicates that history, in the broad field of human affairs, is a subject which is contributory to others, is indeed a part of them, and occupies a central position among them.

FOUR YEARS' COURSE, CONSISTING OF FOUR BLOCKS OR PERIODS.

As a thorough and systematic course of study, we recommend four years of work, beginning with ancient history and ending with American history. For these four years we propose the division of the general field into four blocks or periods, and recommend that they be studied in the order in which they are here set down, which in large measure accords with the natural order of events and shows the sequence of historical facts:

(1) Ancient history, with special reference to Greek and Roman history, but including also a short introductory study

of the more ancient nations. This period should also embrace the early Middle Ages, and should close with the establishment of the Holy Roman Empire (800), or with the death of Charlemagne (814), or with the treaty of Verdun (843).

(2) Mediæval and Modern European History, from the close of the first period to the present time.

(3) English History.

(4) American History and Civil Government.

No one of these fields can be omitted without leaving serious lacunæ in the pupil's knowledge of history. Each department has its special value and teaches its special lesson; above all; the study of the whole field gives a meaning to each portion that it can not have by itself. Greek and Roman civilization contributed so much to the world—the work which these nations accomplished, the thoughts which they brought forth, the ideas which they embodied, form so large a part of the past—that in any systematic course their history must be studied. The student of modern politics can not afford to be ignorant of the problems, the strivings, the failures of the republics and democracies of the ancient world. We speak of these nations as belonging to antiquity, but we have much of them with us to-day. The law of Rome has not gone; the highest thought of Greece is eternal.

We might justly insist that mediæval history is worthy of a place in the school programme for its own sake, recounting as it does the development of the Papacy and the Church, the establishment of feudalism, the foundation of modern states, the Renaissance, and the beginning of the Reformation. But, if for no other reason, the history of the Middle Ages deserves study, because without it Greece and Rome are isolated and seem to dwell in a world apart. On the other hand, the character of the forces of modern times can not be understood by one who examines them without reference to their mediæval origins.

Nor will anyone seriously maintain in these latter days, when men are studying world movements—when, as we are told, America has become a world power—that the intelligent citizen has no concern with the chief events and leading tendencies of the last four centuries of European history. It is especially desirable that American pupils learn something of European history, since, by seeing the history of their own country in its proper perspective, they may appreciate its



meaning, and may be relieved of a temptation to a narrow intolerance, which resembles patriotism only as bigotry resembles faith.

English history until 1776 is our history; Edward I and Pym, Hampden and William Pitt belong to our past and helped to make us what we are. Any argument in favor of American history, therefore, holds almost equally true for the study of English history. A realization of present duties, a comprehension of present responsibilities, an appreciation of present opportunities, can not better be inculcated than by a study of the centuries in which Englishmen were struggling for representation, free speech, and due process of law.

The orderly chronological course which we here advocate has its marked advantages, but it should be so arranged that the pupil will do more than follow the main facts as he traces them from the earliest times to the present. The work must be so developed and widened, as time goes on, that in the final years the pupil will be dealing with broader and deeper problems than in the early years, and will be making use of the skill and scholarly sense that have been awakened and called into action by previous training. By a course of this sort pupils will obtain a conspectus of history which is fairly complete and satisfactory, will follow the forward march of events and will come to see the present as a product of the past; while the teacher, at the same time, will have opportunity to unfold the problems and difficulties of historical study.

The desirability of arranging historical fields of work in their natural chronological order will probably appeal to everyone, and need not be dwelt upon. Some persons, however, may object to the arrangement as unwise, in the light of other considerations. It may be contended that pupils should pass "from the known to the unknown," from the familiar to the unfamiliar and strange. This precept we do not care formally to accept or to reject; but it will be remembered that in all primary and grammar schools some historical work is given, and that we can take for granted the probability that pupils know something of American history, and perhaps of other history, in addition. As a matter of fact, therefore, we are not running counter to the doctrine above referred to, or violating the law of apperception.

A like objection may be met with a similar answer. American history, some will say, should come the first year in the

high school, because many pupils leave school before the later years. But this objection proves too much, for a large percentage of boys and girls do not enter the high school at all. American history should therefore be given in the grammar school. In fact, it is given in the eighth and lower grades in probably the vast majority of schools; to repeat the course therefore in the first year of the secondary course is almost a waste of time, inasmuch as any marked development in the method of treatment is impossible. On the other hand, by putting the study late in the course, the pupil can work along new lines and attack new problems; the development of American institutions can be studied; new and more difficult books can be read, and more advanced methods used.

Some teachers, believing that American history is essential in every course, will object to the curriculum here suggested, on the ground that the last year is always overcrowded, and that we are asking the impossible when we suggest that the study be placed in that year. In any argument on such a subject, history is at a disadvantage, because other subjects have from time immemorial been considered first, while history has been treated as a poor and needy relative; other subjects have their places, and claim at once nine full points in law. If it is more important that pupils should have knowledge of chemistry, solid geometry, physics, Greek, English literature, Latin, and what not, than a knowledge of the essentials of the political and social life about them, of the nature and origin of the Federal Constitution, of their duties and rights as citizens, and of the fundamental ideas for which their country stands, then of course American history need not enter into the contest at all. In making these recommendations, however, we are not acting upon merely theoretical grounds; an investigation of existing conditions leads us to believe that there is a strong tendency to place American history in the last year of the course.

It will be argued, again, that Greek and Roman history is too difficult for the first year. To this we may answer, (1) that a number of excellent and successful teachers give the subject in the first year, and (2) that it is not necessary to fathom all the mysteries of the Athenian constitution, or to penetrate the innermost secrets of Roman imperialism. It is not impossible to know the main outlines of Greek and Roman history and to see the main features of Greek and Roman life. If Cæsar, a

great source of Roman history, can be studied in the original in the tenth grade, with all the supplementary information on military and historical matters which recent editors present, can not secondary material in the vernacular be studied in the ninth? While we do not think that Greek and Roman history should be treated as a handmaiden of the Latin and Greek languages (to treat the subjects thus is to invert the natural relationship), we suggest that a course in ancient history in the first year will serve to give life and meaning to all the work in the classic tongues. The idea may come home to the pupil that Cæsar and Cicero were real, living, thinking, acting men, and not imaginative creatures begotten by the brains of modern grammar-mongers to vex the soul of the schoolboy. If this basis of fact is in the pupil's mind, the classical teacher can amplify it in the later years of the high-school course, and can with far greater assurance use the language that he is teaching as a medium for bringing his pupils into contact with the thoughts and moving sentiments of antiquity.

Some one may object that mediæval and modern European history is too difficult for the tenth grade, and that other subjects should come at that time. The answer to such objection is, of course, that any other subject is too difficult if taught in its height and depth and breadth, but that the cardinal facts of European history can be understood, interesting and intelligible books can be read, the significant lessons can be learned. How many boys, when they are 16 years old, can not understand "The Scottish Chiefs," "The Three Musketeers," "Twenty Years After," "Ivanhoe," "The Talisman," "With Fire and Sword?" And is the simple, truthful historic tale of border conflict, the life and purposes of Richelieu, the death of Charles I, the career of Richard the Lion-Hearted, the character of Saladin, the horrible barbarism of Tartar hordes harder to be understood than the plot of an elaborate historical novel dealing with the same facts? Is truth necessarily more difficult, as well as stranger, than fiction? But the conclusive answer to this objection is the fact that European history in its most difficult form, "general history," is now taught in the second year in the greater part of the schools which offer the subject.

The committee may be criticised for outlining a four years' course at all, on the ground that no schools can devote so much time to history. This criticism is so important that the

reasons which influenced us to take this action should be given seriatim: (1) Some schools do offer history in every year of the high school, either as a required or as an optional study; and the delineation of what seems to us a thorough and systematic régime may be of service to these schools and to all others that desire to devote considerable time and energy to the subject. (2) If some schools can not give all that is here proposed, that fact presents no reason why an adequate course should not be outlined. We are not seeking to induce schools to give history a great amount of attention at the expense of other subjects; but a course altogether complete and adequate needs to be outlined before one can rightly discuss the availability of anything else. (3) An approach to an ideal course, in order of subjects, method, treatment, and time, is better than one that is constructed without any reference to the best and most symmetrical system. (4) As a general rule, definite parts of the plan which we here outline may be taken as a working scheme. It is not necessary to draw up, on an entirely new theory, a briefer curriculum for schools that can not take the whole of what we here recommend; the simplest and wisest plan under such circumstances is to omit one or more of the blocks or periods into which we have divided the general field.

If only three years can be devoted to historical work, three of the periods outlined above may be chosen and one omitted; such omission seems to us to be better than any condensation of the whole. But if any teacher desires to compress two of the periods into a single year's work, one of the following plans may be wisely adopted: (1) Combine English and American history in such a manner that the more important principles wrought out in English history, and the main facts of English expansion, will be taught in connection with American colonial and later political history. (2) Treat English history in such a way as to include the most important elements of mediæval and modern European history.

#### WHY NO SHORT COURSE IN GENERAL HISTORY IS RECOMMENDED.

From the foregoing it will be seen that the committee believes that history should be given in four consecutive years in the secondary school, and that the study should be developed in an orderly fashion, with reasonable regard for chronological sequence; in other words, that four years should

be devoted to the study of the world's history, giving the pupil some knowledge of the progress of the race, enabling him to survey a broad field and to see the main acts in the historical drama. While, of course, three years for such study are better than two, as two are better than one, a careful consideration of the problem in all its aspects has led us to the conclusion that we can not strongly recommend as altogether adequate courses covering the whole field in less than four years.

We do not recommend a short course in general history because such a course necessitates one of two modes of treatment, neither of which is sound and reasonable. By one method energy is devoted to the dreary, and perhaps profitless, task of memorizing facts, dates, names of kings and queens, and the rise and fall of dynasties; there is no opportunity to see how facts arose or what they effected, or to study the material properly, or to see the events in simple form as one followed upon another, or to become acquainted with the historical method of handling definite concrete facts and drawing inferences from them. The pupil is not introduced to the first principles of historical thinking; he is not brought into sympathy with men and ideas, or led to see the play of human forces, or given such a real knowledge of past times and conditions that he can realize that history has to do with life, with the thoughts, aspirations, and struggles of men. By the second method pupils are led to deal with large and general ideas which are often quite beyond their comprehension—ideas which are general inferences drawn by the learned historian from a well-stored treasure-house of definite data; they are taught to accept unquestioningly broad generalizations, the foundations of which they can not possibly examine, as they must do if they are to know how the historical student builds his inferences, or how one gains knowledge of the general truths of history. The first method is apt to heap meaningless data together; facts crowd one upon another; there is no moving drama, but at the very best, perhaps, a series of kaleidoscopic pictures, in which the figures are arranged with seaming arbitrariness. If the second alternative be followed, all is order and system; the pawns of the great game are folks and nations; the more effective chessmen are world-moving ideas. The experienced college teacher knows full well that students entering upon historical work will learn facts

without seeing relationships; that "tendency" is a word of unknown dimensions; and that his first task is to lead his pupils to see how definite facts may be grouped into general facts, and how one condition of things led to another, until they come to a realizing sense of the fact that history deals with dynamics, not statics, and that drifts, tendencies, and movements are to be searched for by the proper interpretation of definite data, and the proper correlation of definite deeds and acts, with special reference to chronological sequence. If college students must thus be led to the comprehension of historical forces and general ideas, what hope is there that a general history, dealing only with tendencies, will be adapted to high-school needs?

But while we do not think that a secondary-school pupil can be brought to handle large generalizations, we do believe that if the time devoted to a period of history be sufficiently long to enable him to deal with the acts of individual men and to see their work, he can be taught to group his facts; and that a power of analysis and construction, a capacity for seeing relationships and causes, an ability to grasp a general situation and to understand how it came to be, can be developed in him; and that he can be brought to see that for the historian nothing is, but everything is becoming. In all such work, however, the teacher must begin with ideas and facts that are not altogether unfamiliar—with the activities, the impulses, the concrete conduct of men. We do not mean by this that constitutional and social questions can not be studied, that political movements can not be interpreted, or that the biographical system suitable for the lower grades should be continued through the secondary course. On the contrary, the pupil should be led to general facts just as soon as possible, and should be induced to see inferences and the meanings of acts at the earliest possible moment.<sup>1</sup> He must not only have a well-articulated skeleton of facts, but he must see movement, life, human energy. And yet the average pupil will follow the course of Julius Cæsar or Augustus, when he can not understand just why the Roman Republic was overthrown; he can know much of the work of Constantine, when he can not appreciate the influence of Christianity on the destinies of

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<sup>1</sup> Let it be remembered that the course in history in the high school should have for its purpose the gradual awakening and developing of power. Pupils are often precipitated into general history, and asked to tax their powers of imagination and to grasp movements when they are entirely without experience or training.

Rome and the world; he can see what Charlemagne did, when he can not comprehend the nature or character of the Holy Roman Empire; he is interested in Danton and Mirabeau, when he can not realize the causes, characteristics, and effects of the French Revolution. It is impossible for one who knows only of mayors, constables, and county clerks to reach out at once into a comprehension of the great motive forces in the world's history.

We ask, then, for a course in history of such length that the pupil may get a broad and somewhat comprehensive view of the general field, without having, on the one hand, to cram his memory with unrelated, meaningless facts, or, on the other hand, to struggle with generalizations and philosophical ideas beyond his ken. We think that a course covering the whole field of history is desirable, because it gives something like a proper perspective and proportion; because the history of man's activities is one subject, and the present is the product of all the past; because such a study broadens the mental horizon and gives breadth and culture; because it is desirable that pupils should come to as full a realization as possible of their present surroundings, by seeing the long course of the race behind them; because they ought to have a general conspectus of history, in order that more particular studies of nations or of periods may be seen in something like actual relation with others. We think, however, that quite as important as perspective or proportion are method and training, and a comprehension of the essential character of the study.

In exact accord with the principles here advocated all work in natural science is now conducted: A pupil is taught to understand how the simple laws of physics or chemistry are drawn up; he is induced to think carefully and logically about what he sees, and about the meaning of the rules and fundamental truths which he is studying, in order that he may learn the science by thinking in it rather than by getting a bird's-eye view of the field. We do not argue that secondary pupils can be made constructive historians, that a power can be bred in them to seize for themselves essential data and weave a new fabric, that the mysteries of the historian's art can be disclosed to them, or that they can be taught to play upon a nation's stops with an assured and cunning hand. But every study has its methods, its characteristic thinking, its own essential purpose; and the pupil must be brought into some

sympathy with the subject. He must know history as history, just as he knows science as science.

Any comparison between history and science is apt to be misleading. The method of the one study, for purposes of instruction at least, is not the method of the other. We do not suppose that Richelieu or William the Silent can be treated with any sort of moral reagent or examined as a specimen under any high-power lens. And yet in some respects we may learn lessons from methods of scientific instruction. The modern teacher of botany does not endeavor to have his pupils learn a long list of classified shrubs, to know all the families and species by heart, or to make a telling synopsis of even any considerable section of the world's flora; he examines a more limited field with care, and asks the students to see how seeds germinate and how plants grow, and to study with a microscope a piece of wood fiber or the cross section of a seed. This he does in order that the pupils may see the real subject, may know *botany*, and acquire the habit of thinking as men of science think; not, let it be understood, that he may discover new laws of floral growth or develop for himself a single principle, rule, or system of classification. And so in history. While we do not urge that pupils be asked to extort their knowledge from the raw material, or to search through the documents to find the data which learned scholars have already found for them, we do ask that the old system of classification, and the old idea that one must see the whole field before he studies a part of it, be altogether given up, if an effort to know the outlines of the whole means that the pupil has not sufficient opportunity to study history as history, to see how men moved and acted, to know that history deals with the sequence of events in time. To insist upon a general comprehension of the world's history before examining a part with care would be quite as reasonable as to ask a pupil to study the circle of the sciences before he analyzes a flower or works an air pump.

While we believe that pupils can advantageously use the sources, chiefly as illustrative material, we are not now arguing for the source system or insisting that he should be trained to handle original material. Skill in finding facts in documents or contemporary narratives, however desirable that may be, is not the sole end of historical instruction anywhere, and above all in the secondary schools. Even the historian is doing but a small part of his work when he is mousing through



his material and gathering this fact and another from forgotten corners. One of his most important and most difficult tasks is to detect the real meaning of events, and so to put his well-tested data together that their proper import and their actual interrelations are brought to view. History, we say again, has to do with the sequence of events in time, and what we contend for is such a course in history as will enable one to see sequence and movement—the words are not synonymous. This simple essential of historical work—an essential, however, often lost sight of completely—must not be neglected. We believe the pupil should study history, and not something else under the name of history—neither philosophy on the one hand nor the art of historical investigation on the other.

#### HOW THE DIFFERENT BLOCKS OR PERIODS MAY BE TREATED.

We may now briefly consider each one of the main divisions of the general field, and discuss the method in which it may best be handled. This portion of our report might be greatly extended, but we wish to confine ourselves to a consideration of general propositions, which are deemed important because they have to do with the essential character and purpose of the study.

##### I.—ANCIENT HISTORY.

Greek and Roman history is taught in a large number of the secondary schools, and in some schools no other branch of history is offered. This preference is explained by the evolution of the curriculum in which the Greek and Latin languages were long the dominant subjects, Greek and Roman history being thrust in at a later time as ancillary to the study of the ancient languages. In some schools the history remains a subordinate subject, coming once or twice a week, and, even then, it is often in the hands of a classical instructor who is more interested in linguistics than in history and has had no training in historical method. The course is apt to be confined to the histories of Greece and Rome; the Orient is not infrequently omitted; the mediæval relations of Rome are usually ignored. The perspective and emphasis within the field covered have been determined by literary and linguistic, rather than by historical, considerations, with the result that the chief attention is devoted to the periods when great writers lived and wrote. Too much time, for example, is commonly

given to the Peloponnesian war, while the Hellenistic period is neglected. The history of the early Roman Republic is dwelt upon at the expense of the empire, although very little is known of the early times. It sometimes seems as if the ghost of Livy were with us yet.

The committee thinks that the time has come when ancient history may be studied independently as an interesting, instructive, and valuable part of the history of the human race. Classical pupils need such a study, not to support their classical work, but to give them a wider and deeper knowledge of the life, thought, and character of the ancient world; and nonclassical pupils need the work still more than the classical, for in this study they are likely to find their only opportunity of coming into contact with ancient ideas. We ask, then, that ancient history be taught as history, for the same purpose that any other branch of history is taught—in order that pupils may learn the story of human achievement and be trained in historical thinking.

To bring out the value of ancient history, it is especially important that Greek and Roman history should not be isolated, but that there should be some reference to the life and influence of other nations, and some comprehension of the wide field, which has a certain unity of its own. There should be a short introductory survey of Oriental history, as an indispensable background for a study of the classical people. This survey must be brief, and in the opinion of the committee should not exceed one-eighth of the entire time devoted to ancient history. It should aim to give (*a*) an idea of the remoteness of these Oriental beginnings, of the length and reach of recorded history; (*b*) a definite knowledge of the names, location, and chronological succession of the early Oriental nations; (*c*) the distinguishing features of their civilizations, as concretely as possible; (*d*) the recognizable lines of their influence on later times. The essential factors in this period may perhaps best be seen by concentrating attention first on the kingdoms of the two great valleys—that of the Nile and that of the Tigris and Euphrates—and by bringing in the lesser peoples of the connecting regions as the great empires spread northward and meet. Persia may be taken up afterwards, and its conquests may serve as a review of the others.

Although, of course, Greek history should include a short

study of early times, and should disclose the growth of Athens and Sparta and the characteristic life of the great classical period, it should not, on the other hand, omit an account of the chief events of the Hellenistic age, but should give some idea of the conquests of Alexander, of the kingdoms that arose out of them, and of the spread of Greek civilization over the East, so important in relation to the influence of Greece upon later times. It should also give the main events in the later history of Greece, and should show the connection between Greek and Roman history. Time for this survey may well be saved by omitting the details of the Peloponnesian war, which crowd so many text-books. This period should be used largely as connective tissue, to hold Greek and Roman history together; it should be approached first from the Greek side, and afterwards be reviewed in connection with the Roman conquest of the East. Care should be taken to show the overlapping of Greek and Roman history chronologically, and to avoid the not uncommon impression among pupils that Rome was founded after the destruction of Corinth.

The treatment of Roman history should be sufficiently full to correspond to its importance. Too much time, as it seems to the committee, is often spent upon the period of the Republic, especially on the early years, and too little upon that of the Empire. Adequate attention is not always paid to the development of Roman power and the expansion of Roman dominion. Some idea should be given of the organization of the world-state and of the extension of Roman civilization. Recognizing fully the difficulty of this period, and not seeking to force upon the pupils general ideas that confuse them, the teacher should endeavor to make them acquainted, not simply with emperors and prætorian guards, but with the wide sway of Rome; and not so much with the "falling" of Rome, as with the impression left upon western Christendom by the spirit and character of the Eternal City. This, we think, can be done by the careful use of concrete facts and illustrations, not by the use of philosophical generalizations. Probably most of us remember that our impressions from early study were that Rome really gave up the ghost with the accession of Augustus—is that idea due to that good republican Livy, again? And if we studied the empire at all, we wondered why it took four hundred years and more for her to tread all the slippery way to Avernus, when once she had entered upon

the road. To get such an impression is to lose the truth of Rome.

The continuation of ancient history into the early Middle Ages has a manifest convenience in a programme of two years' work in European history. It secures an equitable adjustment of time and a reasonable distribution of emphasis between the earlier and later periods. If the pupil stops his historical work at the end of the first year, it is desirable that he should not look upon classical history as a thing apart, but that he should be brought to see something of what followed the so-called "Fall" of the Western Empire. Moreover, it is difficult to find a logical stopping place at an earlier date; one can not end with the introduction of Christianity, or with the Germanic invasions, or with the rise of Mohammedanism; and to break off with the year 476 is to leave the pupil in a world of confusion—the invasions only begun, the Church not fully organized, the Empire not wholly "fallen." Hence, from motives of clearness alone, there is a gain in carrying the pupil on to an age of comparative order and simplicity, such as one finds in the time of Charlemagne. Further study of the Middle Ages then begins with the dissolution of the Frankish Empire and the formation of new states.<sup>1</sup>

## II.—MEDIEVAL AND MODERN EUROPEAN HISTORY.

This field covers a period of a thousand years, and the history of at least four or five important nations; it is necessarily, therefore, a matter of considerable difficulty to determine the best method by which the subject may be handled. Whether the whole field be covered superficially, or only the main lines be treated, it is highly desirable that some unity should be discovered, if possible, or that there should be some central line with which events or movements can be correlated. To find an assured principle of unity is exceedingly difficult, perhaps impossible; and it is very likely that writers will continue to disagree as to the best method of traversing this vast area.

One way to get unity and continuity is to study general movements alone, without endeavoring to follow the life of any

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<sup>1</sup> Such a survey of the beginnings of the Middle Ages must needs be quite brief and should be confined to the primary features of the period—to the barbarian invasions, the rise of the Christian church and of Mohammedan civilization, the persistence of the Empire in the East, and the growth of Frankish power to its culmination under Charlemagne. This practice of combining ancient and mediæval history has been followed in a number of schools and the results have been satisfactory.

one nation; but while this method is possible for college classes it may not be found feasible for secondary schools, where pupils have greater difficulty in comprehending general tendencies. Still, we think that certain essential characteristics of at least the mediæval period may perhaps be studied. The period extending from Charlemagne to the Revival of Learning has a "strongly marked character, almost a personality of its own;" and by a selection of proper facts some of the main characteristics may be brought home to the knowledge of the high-school pupils. The teacher or text writer who attempts this method must naturally proceed with great caution, getting general ideas before the students by a judicious use of concrete facts and illustrations, and not failing to give some of the more important events and dates that mark the period. He will probably find the most characteristic feature of the age in the unbroken dominance of the Roman Church, and should therefore bring out clearly the essential features of its organization and explain the methods by which it exercised control in all departments of mediæval life. If this is done, as it can and should be done, with care and impartiality, the pupil will receive a valuable lesson in historical truthfulness and objectivity at the same time that he comes to appreciate one of the great moving forces of European history.

This method of treating continental history can be carried throughout the Reformation period by remembering that while that period marks the end of the Middle Ages it also forms the basis for modern European history. This epoch must therefore be taught with both points of view in mind. The main aspects of the time must be brought broadly before the pupil, and he must be led to see that the sixteenth century is a century of transition; that the old order has been swept away; that religious, political, material, intellectual, and social life has been profoundly affected, not only by the teachings of Luther and Calvin, but by the development of the printing press, the use of gunpowder, the voyages of Magellan and Drake, and the change in economic values. The wars of religion mark the last efforts to reestablish united Christendom; and, although the treaty of Westphalia (1648) seems well within the sphere of modern history, it may not improperly be selected as the end of this era of transition.

From the close of this period it will be found very difficult to treat only of movements of a general character affecting

the life of Europe. There is now no great institution, like the Church, which forms the center of Christendom; the different nations no longer belong to a system, but act as independent sovereigns; the development of distinct national life is now of primary concern to the historical student. But even in modern history the method of treating epochs of international importance can be used to some extent. In order that this may be done, it will be necessary, probably, so to connect movements or epochal characteristics with the history of particular nations that the separate development of the European states may be discerned. For example, the period from 1648 to 1715 can be treated as the age of Louis XIV; while the history of the seventeenth century monarchy, illustrated by the attitude and the administration of Louis, is brought to light, the history of western Europe may be studied in its relations with France. The period from 1715 to 1763 is the age of colonial expansion, of rivalry between France and England; and it can be studied from either England or France as a point of view. The age of Frederick the Great (1740-1786) brings before us not only the rise of Prussia and the significance of that great fact, but the theory of enlightened despotism, of which Frederick was an exponent, and which was exemplified by the work of Catherine of Russia, Joseph II, and other enlightened monarchs and ministers. For the period of the French Revolution and the Empire (1789-1815) France again may be taken as the center from which to consider the international relations of European states, the development of the new principles of nationality, the sovereignty of the people, and the liberty of the individual. From 1815 to 1848 Metternich may be regarded as the central figure. The reactionary characteristics of this time will naturally be dwelt upon, but the growth of new principles may also be illustrated, as seen in the establishment of independence in Greece and Belgium and in the liberal monarchy of Louis Philippe. The system of Metternich broke down in 1848, and from that time to 1871 study is naturally directed to the work of Cavour and Bismarck, to the unification of Italy and Germany, and to topics that may be easily considered in connection with these events. In attempting to give the pupil some idea of modern European politics since the establishment of the German Empire, it may be found advisable to treat Bismarck as the central figure down to 1890, and the Emperor William II as

the successor of Bismarck. In this connection, the extra-European ambitions and achievements of Germany since 1871 will serve to bring out the fact that the history of the great European nations is now not only the history of Europe, but the history of Asia and Africa as well.

In some such manner as this it may be possible to study the broad field of European history with special reference to movements or epochs. The outline is not given here as a proposal for a hard and fast system, but rather to illustrate the main principle for which we are contending, namely, that some principle of unity should be discovered which will allow definite concrete treatment, avoiding, on the one hand, philosophical generalization, and, on the other, tangled accounts of detailed events which are made meaningless by the absence of proper connotation.

Another method of securing unity and continuity is to select the history of one nation, preferably that of France, as a central thread, and study the development of its life. It may be that an understanding of the chief transitions in the history of one nation for a thousand years is all that the second-year pupil should be asked to acquire, but probably it will be quite possible for him to acquire more. The Germanic migrations, the growth of the church, the invasions of the Saracens, the establishment of the Holy Roman Empire, feudalism, the crusades, the Renaissance, the rise of national monarchies, the religious wars, the French Revolution and the Napoleonic wars, the unification of Germany and Italy, the democratic movements of the present century—these and other important topics have immediate relation to French history, and may well be studied in connection with it.

This method of treatment has been followed satisfactorily in some schools. Many teachers have used English history for the purpose with some success, and have thus given to their pupils no small knowledge of what went on upon the Continent. England, however, does not serve this purpose so well as France; we speak of this use of English history simply to show the practicability of the plan. Of course, if any one nation is chosen, the student is apt to get an exalted idea of the part which that particular nation has played; and there is danger of a lack of proportion. But consistency, simplicity, and unity are more essential than general comprehension; or, it might more truly be said, general comprehension and appre-

ciation of proportions are almost impossible for boys and girls, and if simplicity and compactness are wanting there is apt to be no grasp of fundamentals at all. If France be taken as a center, events can be studied in sequence, the primary historical way of looking at things can be cultivated, and the concrete acts of men can be examined and discussed.

If neither of the methods here suggested appeals to the teacher, he must seemingly do one of two things: he must endeavor to get a very general view of the field, give all the main facts and dates, and follow the histories of the nations in parallel lines, or he must omit large portions of the historical field altogether and content himself with the study of a few important epochs. By either of these modes of treatment any effort to unify is in large measure given up. The first way is not uncommonly followed, but it often results, as the committee thinks, in cramming the memory with indigestible facts and in mental confusion; though an occasional effort to bind the parallel lines together by horizontal lines will help to give unity and wholeness to the structure, or, to change the figure, an occasional view of a cross section will have a like effect. The second method is adopted by some teachers, and they could with difficulty be convinced that it is not the best. They believe that by the intensive study of two or three epochs the best educational results are obtained. The Reformation, the age of Louis XIV, the French Revolution, and the nineteenth century might be selected as characteristic periods. We do not, however, urge this method upon the schools, or insist that it is the proper one. We know that it has been successfully used, and believe that under advantageous circumstances it will be likely to prove satisfactory, although one must regret the failure resulting from this system to give anything approaching a general view of European history.

### III.—ENGLISH HISTORY.

English history, coming in the third year of the school course, and completing the survey of European development, is exceedingly important. Significant as is the history of the English nation in itself, the study may be made doubly useful if the work is so conducted that it serves in some measure as a review of continental history and as a preparation for American history. The pupils in our schools, as we have already suggested, can ill afford to lose such an introduction to the



study of the history and institutions of the United States; for, without a knowledge of how the English people developed and English principles matured, they can have slight appreciation of what America means. Even the Revolution, for example, if studied as an isolated phenomenon, is bereft of half its meaning, to say the least, because the movement that ended in the separation of the colonies from the mother country and in the adoption of the Federal Constitution, began long before the colonies were founded, and the Declaration of Independence was the formal announcement of democratic ideas that had their taproot in English soil.

We believe that considerable, if not the chief, attention should be paid to the gradual development of English political institutions. These words may sound forbidding, but it is to be hoped that the reader of this report will not imagine that we think of plunging the pupil into Stubbs or Hallam. We mean simply that the main features, the fundamental principles and practices of constitutional government, should be studied, and that the steps in its development should be marked. It is not impossible to know the leading features of the work of William I and its results, the principal reforms of Henry II, the chief developments of the thirteenth century, the actual meanings of Tudor supremacy, the underlying causes, purposes, and results of the Puritan revolution, the work of Pym and Eliot, of Robert Walpole or of Earl Grey. One might almost as well object to mathematics in the high school because quaternions or the integral calculus are hard and abstruse, as to complain of the difficulty of the constitutional history of England because, when studied profoundly, it is, like every other subject, full of perplexities. The treatment must be simple, direct, and forcible, and its supreme object must be to show the long struggle for political and civil privileges, and the gradual growth of the cardinal forms and salient ideas of the English state. One can not forget, even in a high-school course, that England is the mother of modern constitutional government; that by the force of example she has become the lawgiver of the nations.

The pupil should be led to see how the State grew in power, how the Government developed, and how it became more and more responsive to the popular will and watchful of individual interests. But he ought to see more than merely political progress; he can be made to see, at least to some small extent,

how the life of men broadened as the years went by, and can note some of the many changes in habits of living and in industry. Such a reign as that of Elizabeth would yield but little of its meaning if the student should content himself with the hackneyed phrase of "Tudor absolutism" (but half true at the best), and did not see the social and industrial movements, the great human uprising, "the general awakening of national life, the increase of wealth, of refinement, and leisure," in that age when the "sphere of human interest was widened as it had never been widened before \* \* \* by the revelation of a new heaven and a new earth." The wise teacher will not neglect the collateral study of literature, but will endeavor to show that it partook of the character of its time, as the best literature is always the best exponent of the age which brings it forth.

In the study of English institutions it is not wise to dwell at length upon conditions prior to the Norman period, and indeed even the ordinary political events before the time of Egbert should be passed over rapidly. To the secondary pupil the details of what Milton called the "battles of the kites and crows" are dreary and unprofitable; apocryphal martyrdoms, legends of doubtful authenticity, and scores of unpronounceable names are useless burdens to the healthful memory of a boy of sixteen, whose mind promptly refuses assimilation. But the origins of later institutions, so far as they appear in Anglo-Saxon times, are not uninteresting and may well be noticed.

When institutions familiar to us in modern life are fairly established, the pupil's interest is naturally awakened and time is rightly devoted to their study. The jury, the offices of sheriff and coroner, and like matters, deserve attention; and possibly something may be done even with the development of the common law in early England. But, in all the work, effort should be made to understand institutions that have lived rather than those that have perished; such study can not fail to bring home a sense of our indebtedness to the past. It is unnecessary, however, to indicate here in detail how the successive steps in the development of English institutions and of English liberties may be brought out; such a presentation would involve a longer treatment than can be given here; but it is not out of place to say that stress should be laid chiefly upon the important constitutional movements

and the establishment of principles which mark a stage of progress, and are preparations for institutions, principles, and ideas that are to follow.

In teaching English constitutional history, it is the institutions of south Britain that demand chief attention; but in teaching the history of the nation as apart from that of the State, it is essential that the common practice of neglecting Welsh, Scottish, and Irish history be abandoned in American schools; otherwise no idea is gained of the composite nature of the nation which has built up the British Empire, and spread abroad the knowledge of English institutions and the use of the English language. Even in studying the early history, care should be taken to bring out the fact that there were such people as the Welsh, Scots, and Irish; and, although it is not advisable to consider in any detail the history of these nations even in later times, yet some of the more important events should be dwelt upon; the relationships with south Britain should be kept in mind; and such knowledge of their development should be given that the final welding of all into a single British kingdom becomes intelligible.

It is very desirable that the expansion and the imperial development of Britain should receive adequate notice. Schoolbooks rarely lay sufficient emphasis upon this phase of the subject; in them the real meaning of the American Revolution is usually not disclosed; Dettingen, Fontenoy, and Minden sometimes obscure Louisburg, Quebec, and Plassey. Without Drake, Raleigh, Clive, and Gordon, English history of the last three centuries is not English history at all. The colonial system also, and the general colonial policy of the seventeenth and eighteenth centuries demand attention in American schools; and the foundation of British dominion in India can not rightly be made subordinate to party struggles in Parliament or to ministerial successions. Finally, to trace the growth of the British Empire in the nineteenth century, to see how the colonists of Canada, Australia, New Zealand, and South Africa have obtained and used the right of self-government, and how the East India Company's settlements have developed into an imperial dependency under the British Crown—these topics are more important than any study of ordinary party politics within the old sea-girt realm of England.

By paying attention to the continental relations of England

it will be possible to review the more important movements of European history and to give the pupil new views of their meanings. Of course, if these side views of continental conditions are offered too frequently the class may become confused, and lose sight even of the well-worn paths of English constitutional progress. Judicious reference and comparison, however, will not be distracting, but will assist the pupils in appreciating the meaning of what was going on within the four seas. A study of English feudalism will give an opportunity to review what has been learned of the continental characteristics of that institution. The crusades can not be studied as if Richard I were the only king who took the cross. Who can understand the quarrel between Henry I and Anselm if he has no knowledge of the contest between Gregory and Henry of Germany? Can even the Norman conquest be known without some sense of who the Northmen were and what they had been doing? Does one get the force of the great liberal movements of the seventeenth century without some slight comparison between the Charleses of England and the Louises of France? Although this comparative method may be overdone, we believe that careful and judicious comparisons and illustrations will prove illuminating, suggestive, and in all ways helpful.

#### IV.—AMERICAN HISTORY.

If American history is studied, as the committee recommends, in the last year of the secondary school, it should be taken up as an advanced subject, with the purpose of getting a clear idea of the course of events in the building of the American Republic and the development of its political ideas. Its chief objects should be to lead the pupil to a knowledge of the fundamentals of the state and society of which he is a part, to an appreciation of his duties as a citizen, and to an intelligent, tolerant patriotism.

It is not desirable that much time should be devoted to the colonial history. The period is especially interesting if viewed as a chapter in the expansion of England, a chapter in the story of the struggle between the nations of western Europe for colonies, commerce, and dominion. It must be viewed, too, as a time when the spirit of self-sufficiency and self-determination was growing—a spirit which accounts for the Revolution and for the dominating vigor of the later democracy.

Attention may be paid to the establishment of industrial conditions and of habits of industrial activity, as explaining political differences in subsequent times, especially as explaining the divergence of North and South after constitutional union had been formed. Slight notice should be taken of military campaigns in any portion of the study, though the importance of intercolonial wars can easily be underestimated, and the main facts of other wars, especially, of course, the Revolutionary and the Civil war, can not be neglected.

In the study of American history it is especially desired that the development of the political organizations be clearly brought forth. Nothing should be allowed to obscure the leading features of our constitutional system. The pupil must see the characteristics of American political life and know the forms and methods, as well as the principles of political activity. He must have knowledge of the ideals of American life, and must study the principles of American society as they have expressed themselves in institutions and embodied themselves in civic forms.

Much has been said about the necessity of studying the social and industrial history of the United States, and some practical teachers have declared that chief stress should be laid upon social and economic features<sup>1</sup> of the past life of the people. Such a study is certainly very desirable; the student should come to a realization of the nature and the problems of the industrial world about him, and should see the gradual changes that have been wrought as the years have gone by. History should be made real to him through the study of the daily ordinary life of man, and he should be led to feel that only a very small portion of man's activities or strivings is expressed by legislatures, congresses, or cabinets; that, especially under a government such as ours, the industrial conditions, the bodily needs, the social desires, the moral longings of the people, determine ultimately, if not immediately, the character of the law and the nature of the government itself. We do not think, however, that economic or social facts should be emphasized at the expense of governmental or political facts.

It seems wise to say that the greatest aim of education is to impress upon the learner a sense of duty and responsibility, and an acquaintance with his human obligations; and that a

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<sup>1</sup>There is a marked difference between studying economic history and studying economic features or conditions.

manifest function of the historical instruction in the school is to give to the pupil a sense of duty as a responsible member of that organized society of which he is a part, and some appreciation of its principles and its fundamental character. In other words, while industrial and social phases of progress should by no means be slighted, it is an absolute necessity that a course in American history should aim to give a connected narrative of political events and to record the gradual upbuilding of institutions, the slow establishment of political ideals and practices.

Fortunately, as we have already suggested, many of the most important events in our social and industrial history are so intimately connected with the course of our political history that the two subjects seem not two but one. Changes in modes of industry or in social conditions, improvements in methods of labor, intellectual and moral movements, have manifested themselves in political action, have influenced party creeds, or in some other way affected the forms or the conduct of the body politic. In a democratic country any important change in the life of the people is of importance in political history, because the people are the state. Many of the economic and social changes, therefore, can best be studied as they show themselves in organized effort or are embodied in political institutions. If one looks at political activities or endeavors to understand constitutions, without knowledge of the lives and hopes of the people, the strivings of trade and commerce, the influence of inventions and discoveries, the effects of immigration, he knows but little of the whence or the how, and deals with symbols, not with things.

While we believe, then, that the chief aim should be to give the pupil knowledge of the progress of political institutions, ideas, and tendencies, we believe also that he should know the economic phases of life; that whenever possible, attention should be directed not merely to economic and social conditions, but to economic and social developments; and that those economic, industrial, or social modifications should receive chief attention which have permanently altered social organization, or have become embedded in institutions, ideas, or governmental forms. We should in our study endeavor to see the full importance, because we see the results, of the fact that Virginia grew tobacco and South Carolina rice, and that the New Englanders were fishermen and went down to the sea in

ships; we should try to recognize the meanings of slavery and white servitude, of cotton and the sugar trade, of the steamboat, the railroad, the telegraph, the rotary press, the sewing machine. We should see, if we can, how such things influenced human progress and had effect on the nature, organization, and destinies of the American people.

Now, a careful study like this is not possible for students in their early years. In the grades below the secondary school use may well be made of mere descriptions of past times, of houses and apparel, of the snuffboxes, wigs, and silken hose of our great grandfathers; for such pictures help to awaken the imagination, to furnish it with food, to bring home the idea that men and their surroundings have changed, and to prepare the mind for the later growth of historical power and capacities.<sup>1</sup> But though the pupil must know bygone conditions and must seek to get a vivid picture of the past, the ultimate aim of history is to disclose not what was, but what became. Totally unrelated facts are of antiquarian rather than of historical interest. In the secondary school, then, and especially in the later years of the course, attention must be paid to movements, and an effort must be made to cultivate the faculty for drawing truthful generalizations, for seeing and comprehending tendencies.

We hope that from this statement no one will get the idea that we are waging war on economic history, or the study of what the Germans have happily called "culturgeschichte." But we contend that, since there is so much to be done in a single year, there is no time for the study of such past industrial and social conditions—though they may be indeed interesting phenomena—as stand unrelated, isolated, and hence meaningless, and are perhaps without real historical value. Time must rather be given to the important, to conditions which were fruitful of results, to movements, changes, and impulses in industrial as well as in political society. No study of economic forms or social phases should hide from view the

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<sup>1</sup> We recognize fully the historical value of many things that seem at first sight unimportant. When, for example, we are told that the old Federalists wore wigs and the Republicans did not, we recognize a fact that marks a change and symbolizes political creeds and party differences. Taine says that about the twentieth year of Elizabeth's reign the nobles gave up the shield and two-handed sword for the rapier, "a little, almost imperceptible fact," he remarks, "yet vast, for it is like the change which sixty years ago made us give up the sword at court, to leave our arms swinging about in our black coats."

political and social ideas for which our country stands, and which have been the developments of our history.

We have entered upon this subject at some length in connection with a consideration of American history, because many of the statements seem important, and because much that is said, while peculiarly applicable to American history, is likewise true of other fields. Especially in the study of English history should effort be made to connect economic and intellectual conditions with the progress of England, to look for changes in the succeeding centuries, and to see how political organization and social needs reacted one upon the other. And yet how often has Wat Tyler's insurrection been studied as a mere uprising of political malcontents endangering the safety or the bodily ease of young Richard II! How often has the devastation of the North been studied as if it had a bearing only on the fortunes of the Norman dynasty! How often have inventions and discoveries been stated as merely isolated phenomena—such changes, for example, as that marked by the use of pit-coal in the making of iron as if they were of only scientific interest!

#### V.—CIVIL GOVERNMENT.

Much time will be saved and better results obtained if history and civil government be studied in large measure together, as one subject rather than as two distinct subjects. We are sure that, in the light of what has been said in the earlier portions of this report about the desirability of school pupils' knowing their political surroundings and duties, no one will suppose that in what we here recommend we underestimate the value of civil government or wish to lessen the effectiveness of the study. What we desire to emphasize is the fact that the two subjects are in some respects one, and that there is a distinct loss of energy in studying a small book on American history and afterwards a small book on civil government, or vice versa, when by combining the two a substantial course may be given.

In any complete and thorough secondary course in these subjects there must be, probably, a separate study of civil government, in which may be discussed such topics as municipal government, State institutions, the nature and origin of civil society, some fundamental notions of law and justice, and like



matters; and it may even be necessary, if the teacher desires to give a complete course and can command the time, to supplement work in American history with a formal study of the Constitution and the workings of the national government. But we repeat that a great deal of what is commonly called civil government can best be studied as a part of history. To know the present form of our institutions well one should see whence they came and how they developed; but to show origins, developments, changes, is the task of history, and in the proper study of history one sees just these movements and knows their results.

It would, of course, be foolish to say that the secondary pupil can trace the steps in the development of all our institutions, laws, political theories, and practices; but some of them he can trace, and he should be enabled to do so in his course in American history. How it came about that we have a federal system of government rather than a centralized state; what were the colonial beginnings of our systems of local government; how the Union itself grew into being; why the Constitution provided against general warrants; why the first ten amendments were adopted; why the American people objected to bills of attainder and declared against them in their fundamental law—these, and a score of other questions, naturally arise in the study of history, and an answer to them gives meaning to our Constitution. Moreover, the most fundamental ideas in the political structure of the United States may best be seen in a study of the problems of history. The nature of the Constitution as an instrument of government, the relation of the central authority to the States, the theory of State sovereignty or that of national unity, the rise of parties and the growth of party machinery—these subjects are best understood when seen in their historical settings.

But in addition to this, many, if not all, of the provisions of the Constitution may be seen in the study of history, not as mere descriptions written on a piece of parchment, but as they are embodied in working institutions. The best way to understand institutions is to see them in action; the best way to understand forms is to see them used. By studying civil government in connection with history, the pupil studies the concrete and the actual. The process of impeachment, the appointing power of the President, the make-up of the Cabinet, the power of the Speaker, the organization of the Territories,

the adoption and purpose of the amendments, the methods of annexing territory, the distribution of the powers of government and their working relations, indeed, all the important parts of the Constitution that have been translated into existing, acting institutions, may be studied as they have acted. If one does not pay attention to such subjects as these in the study of history, what is left but wars and rumors of wars, partisan contentions, and meaningless details?

We do not advise that text-books on civil government be discarded, even when there is no opportunity to give a separate course in the subject. On the contrary, such a book should always be ready for use, in order that the teacher may properly illustrate the past by reference to the present. If the pupils can make use of good books on the Constitution and laws, so much the better. What we desire to recommend is simply this, that in any school where there is no time for sound, substantial courses in both civil government and history, the history be taught in such a way that the pupil will gain a knowledge of the essentials of the political system which is the product of that history; and that, where there is time for separate courses, they be taught, not as isolated, but as interrelated and interdependent subjects. Bishop Stubbs in a memorable sentence has said, "For the roots of the present lie deep in the past, and nothing in the past is dead to the man who would learn how the present comes to be what it is." Though we must not distort the past in an effort to give meaning to the present, yet we can fully understand the present only by a study of the past; and the past, on the other hand, is appreciated only by those who know the present.

#### METHODS OF INSTRUCTION.

In the early part of this report, attention is called to the fact that there seems to be some agreement among teachers of history concerning methods of teaching; and we have attributed this agreement in some measure to the recommendation of the Madison Conference, whose report has been widely read and used throughout the country. Doubtless there are many other reasons for the improvement of the last ten years, chief among which is the increased supply of well-trained teachers. There has been also a new recognition of the purpose of history teaching, a growing realization on the part of teachers of why they teach the subject and what they

had in mind only certain general methods which we think specially useful for bringing out the educational value of the study.

I. We believe that in most cases the teacher should use a text-book. If the book is prepared by a practical teacher and a scholar, it is probably the product of much toil, which has been devoted to a consideration of proportion and order as well as to accuracy, and it is therefore likely to unfold the subject more systematically than a teacher can possibly do unless he has wide training, long experience, and, in addition, daily opportunity carefully to examine the field and to search out the nature of the problems that he is called upon to discuss. Without the use of a text it is difficult to hold the pupils to a definite line of work; there is danger of incoherence and confusion. While, therefore, we strongly advise the use of material outside of the text, we feel that the use of the topical method alone will in the great majority of instances result in the pupils' having unconnected information. They will lose sight of the main current; and it is the current and not the eddies which they should watch.

In some classes, especially in the more advanced grades, it may be possible to use more than one text-book. "By preparing in different books or by using more than one book on a lesson, pupils will acquire the habit of comparison, and the no less important habit of doubting whether any one book covers the ground." In an attempt to discover the truth they may be led to study more widely for themselves, and will surely find that there are sources of information outside of the printed page. The use of more than one text will, however, often present many practical difficulties to the teacher; and this will surely be the case unless he has the time and opportunity to master all the texts himself and to examine outside material with care. In most schools there is a decided advantage in having one line along which the class may move. Often it may prove helpful to use supplementary texts, in order to amplify and modify the regular class book; this may be done by the teacher when comparison by the class might prove distracting.<sup>2</sup>

<sup>1</sup> Report of the Committee [of Ten] (Washington, 1893), 189.

<sup>2</sup> After this portion of the report dealing with methods was read at the meeting of the American Historical Association, in 1898, one teacher expressed the opinion that the report did not sufficiently emphasize the oral recitations; another, that we did not sufficiently emphasize written work; another, that we did not sufficiently emphasize the value of more than one text-book. We do not wish to underestimate any means which any teacher finds suited to his needs and productive of good results. Teachers must of course use their own discretion as to how far various methods may be followed; but we think that all of the ideas and plans here suggested will prove helpful.

II. Material outside of the text-book should be used in all branches of historical study and in every year of the secondary course. Life and interest may in this way be given to the work; pupils may be introduced to good literature and be taught to handle books. This collateral material may be used in various ways, and, of course, much more should be expected of the later classes than of the earlier; indeed, there should be a consistent purpose to develop gradually and systematically this power of using books. Often, especially in the earlier years, the teacher will read to the class passages from entertaining histories. Younger pupils without previous training should not be expected to find the books that treat of certain topics, or to know how to find the portions desired. Let the pupil learn how to understand and use pages before he uses books; and let him learn how to use one or two books before he is set to rummaging in a library. For example, a class in the first year of the secondary school may be asked to tell what is said of Marathon in Botsford's History of Greece, page 121. A twelfth-grade class, properly trained, may be asked to compare Lecky's account of the Stamp Act with Bancroft's, or to find out what they can in the books of the library concerning the defects of the Articles of Confederation.

III. Something in the way of written work should be done in every year of the secondary school. It is unnecessary to caution teachers against requiring the sort of work in the early years that may reasonably be expected in the later part of the course. Younger pupils, who have had little or no training in doing written work of this character, might be required simply to condense and put into their own language a few pages of Grote or Mommsen, or to write out in simple form some abstract of Thucydides's account of the fate of the Sicilian expedition, or of Herodotus's description of the battle of Thermopylæ, or to do similar tasks. In the later years more difficult tasks may be assigned, demanding the use of several books and the weaving together of various narratives or opinions. It may be said by some persons that such work as this is for the English teacher, not for the history teacher; but it can hardly be asserted that skill in the use of historical books, practice in acquiring historical information, and the ability to put forth in one's own language what has been read, are not objects of historical training.

IV. It may at times prove helpful to have written recitations or tests. Teachers have often found that this method secures

accuracy and definiteness of statement. Some pupils who have difficulty in organizing and arranging the information which they possess, and who consequently are not so successful as others in oral recitations, often succeed admirably in written exercises, and by their success are stimulated and encouraged to do thoughtful and systematic work.

V. Many teachers have been aided in their work by requiring the class to keep notebooks, and the committee favors the adoption of this system, which has proved so serviceable in the study of the sciences. These books may contain analyses of the text, notes on outside matter presented in class, a list of books with which the pupil has himself become acquainted, and perhaps also some condensations of his reading. An analytical arrangement of the more important topics that are discussed in the course of the study may also be placed in the notebook. This plan will help the student to see the different lines of development and change. For example, under the head of "Slavery," short statements may be inserted of the facts that have been learned from the text. By so doing, the pupil will have at the end of his work a condensed narrative of the introduction, growth, and effect of slavery, and will be led to see the continuity of the slavery question as he would probably be unable to see it by any other means.

VI. Fortunately it is unnecessary in these latter days to call the teacher's attention to the use of maps, and to the idea that geography and history are inextricably interwoven. Most text-books now have a number of maps, all of which, however, are by no means faultless. Good wall-maps may be obtained at reasonable prices, and every school should have at least one good historical atlas. The class should use physical maps, as well as those showing political and national divisions, for often the simplest and most evident facts with which the pupil is well acquainted need to be forced sharply upon his attention in connection with history. The Nile, the Euphrates, the Tiber, the Rhine, the Thames, the Mississippi, the Alps, the Pyrenees, the Alleghanies—their very names call up to the mind of the historical scholar troops of facts and forces affecting the progress of the race and molding the destinies of nations. The pupils should not lose sight of the physical causes that have acted in history any more than they should ignore the human causes; and they must remember that, although history deals with the succession of events, there is always a place relation as well as a time relation. As new

meaning is given to geography when physical conditions are seen in relation with human life, so reality is added to historical occurrences and new interest is awakened in historical facts by the study of the theater within which men acted and notable events took place. "Groupings of historical figures and scenes around geographical centers make these centers instinct with life and motion, while the centers themselves, binding the figures and scenes together, give them a new permanence and solidity."<sup>1</sup> The careful study of physical geography and of historical geography is of value, therefore, not only in bringing out the nature or the true import of facts, but in helping the pupils to retain information because they see natural causes and relations, and because events are thus made to appear definite and actual.

If these methods are to be followed—as they must be if history is to be a study of high educational value—books for reference and reading are as necessary as is apparatus for efficient work in physics or chemistry. Not many years ago all subjects except "natural philosophy" were taught without the help of any material save a text-book for each pupil, and perhaps a few dusty cyclopedias often deftly concealed in a closet behind the teacher's desk. Great changes have been made; nearly all schools now have some books, but even at the present time it is easier to get five thousand dollars for physical and chemical laboratories than five hundred dollars for reference books; and even when libraries have been provided, their material is sometimes not wisely chosen, and they are often allowed to fall behind by a failure to purchase new and useful literature as it comes out.

The library should be the center and soul of all study in history and literature; no vital work can be carried on without books to which pupils may have ready and constant access. Without these opportunities historical work is likely to be arid, if not unprofitable; there can not be collateral reading, or written work of the most valuable sort, or study of the sources, or knowledge of illustrative material. Even a small expenditure of money may change the dull routine of historical study into a voyage of pleasurable discovery, awakening the interest, the enthusiasm, and the whole mental power of the pupils. No school is so poor that something can not be done in the way of collecting material.

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<sup>1</sup> Hinesdale, *How to Study and Teach History*, 99.

The first necessity of a school library is that it be accessible. It should be in the school building, open during the whole of school hours and as much longer as possible. It should be furnished with working tables and provided with good light, and so arranged that it serves not as something helpful outside the school, but as the source and center of inspiration to which the class-room work is contributory. The books should be freely used; for a library is no longer considered a place for the preservation and concealment of books, but a center from which they may be put into circulation and where the best facilities are offered for acquiring information. The question as to whether the books should be left in open shelves or handed out by an attendant must be decided, of course, by the school authorities, in light of all the circumstances; but it must be remembered that the opportunity to touch and handle the volumes, to glance at their pages, to discover the subjects of which they treat—to look, as it were, into their faces—is of great value, and that more can be learned by a few minutes of familiar intercourse with a book in the hand than by many inquiries of an attendant or by anxious searching in a catalogue. The fewer the barriers and obstacles in the way the better will be the results, and the more will the pupil be tempted to refer to the authorities and to read the great masters in history and literature—an acquaintance with whose words, thoughts, and sentiments constitutes in itself no small part of education.

In employing the library for historical purposes, care should be taken to teach the pupils how to use intelligently tables of contents and indexes, and also how to turn to their account the library catalogues and the indexes to general and periodical literature. The teacher will remember that the habit of referring to authorities to settle doubtful points or to discover additional evidence is a most important part, not only of historical training but of the outfit of an educated person, and that wide reading should bring breadth of view and also a broadening and deepening of the judgment.

The well-equipped library should contain (1) good historical atlases and atlases of modern geography; (2) one or two historical handbooks or dictionaries of dates; (3) an ample supply of secondary histories, such as those of Holm, Mommsen, Lecky, Parkman; with these may be classed, as especially useful, good, interesting biographies, such as Dodge's Alexan-

der the Great, Stanhope's Pitt; (4) there should certainly be some collections of sources, many of which are now accessible; and some of the recent leaflets and collections of extracts of primary and secondary material will be found of service; (5) a good encyclopedia and one or two annual compendiums, such as the various political almanacs.

#### SOURCES.

The use of sources in secondary work is now a matter of so much importance that it seems to demand special and distinct treatment. We believe in the proper use of sources for proper pupils, with proper guaranties that there shall also be secured a clear outline view of the whole subject studied; but we find ourselves unable to approve a method of teaching, sometimes called the "source method," in which pupils have in their hands little more than a series of extracts, for the most part brief, and not very closely related. The difficulty with this system is, that while it suggests the basis of original record upon which all history rests, on the other hand it expects valuable generalizations from insufficient bases. Within the covers of one book it is impossible to bring together one hundredth part of the material which any careful historical writer would examine for himself before coming to a conclusion; and it is not to be expected that inexperienced and immature minds can form correct notions without some systematic survey of the field. Indeed, the attempts to teach history wholly from the sources ignore the fact that the actual knowledge of the facts of history in the minds of the most highly trained teachers of history comes largely from secondary books; it is only in limited fields where a large mass of material can be examined and sifted, that historians and teachers can safely rely for their information entirely on sources, and even there they find it useful to refer to the secondary work of other writers for new points of view.

The first essential, then, for any practical use of sources by pupils is that their work shall be done in connection with a good text-book, in which the sequence and relation of events can be made clear. The aim of historical study in the secondary school, let it be repeated, is the training of pupils, not so much in the art of historical investigation as in that of thinking historically. Pupils should be led to grasp facts and see them in relations, for one who has been taught to establish



certain facts with unerring accuracy may be still unable to understand the historical significance of those facts.

In the second place, we disclaim any confidence in "investigation" by pupils, if by investigation is meant a mental process of the same order as that of the practiced historian and the special student of a limited field, or of the teacher preparing material for his classes. In our judgment sources are not intended to be either the sole or the principal materials for school study. There is, indeed, a close analogy between the proposed processes of historical study and those of the study of natural science. In physics, for example, it has been thought expedient to require a well-ordered text-book in connection with a series of experiments; yet physics can not be efficiently taught unless the pupil has some contact with materials, not because they form the only foundation of his knowledge, but because he learns to look for himself, and to understand that the knowledge which he receives at second-hand must be based upon patient investigation by somebody else.

By the study of properly selected materials the pupil realizes that historical characters were living persons, and he learns to distinguish between them and the  $x$  and  $y$  of algebra or the formulas of physics. When one reads the loving letter written from before Antioch by Count Stephen of Blois some eight hundred years ago,<sup>1</sup> in which he charges his wife to do right and to remember her duty to her children and her vassals, one realizes that the Crusaders were real men, imbued with many of the purposes, hopes, and sentiments with which men of the present day are moved and influenced.

The use of sources which we advocate is, therefore, a limited contact with a limited body of materials, an examination of which may show the child the nature of the historical process, and at the same time may make the people and events of bygone times more real to him. We believe that some acquaintance with sources vitalizes the subject, and thus makes it easier for the teacher and more stimulating for the pupil. But all sources are not of equal value for this purpose; some of those which are very important for more mature students are too dry and unattractive to be useful for younger persons. John Adams's "Discourses of Davila" is a source, though thought exceedingly dull even in his generation. Abigail Adams's letters to

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<sup>1</sup> Translated in *Letters of the Crusaders* (University of Pennsylvania Translations and Reprints), I, 4.

her husband, complaining of the fall of Continental currency, are equally valuable as sources, and much more interesting.

Since discrimination in the selection of sources is of so much importance, the first criterion is that authorities be chosen whose authenticity is beyond dispute. It is not worth while to introduce children to the controversies over the voyages of John and Sebastian Cabot; or to the arguments for and against the truthfulness of John Smith's account of his rescue by Pocahontas; or to the authorship of the letters found in the saddlebags of Charles I. There is no difficulty in obtaining an abundance of suggestive sources about the value of which historians will agree and around which no interminable controversy is waging. Pains should also be taken to recommend the sources that may reasonably be brought within the knowledge of pupils; it is of no use to refer to rarities or to texts long out of print.

In the next place, few documents, in the usual significance of that term, are very useful in the schoolroom. A capitulary of Charlemagne, Magna Charta, a colonial charter, or the Constitution of the United States may with careful explanation be made clear, but it is difficult to make them attractive. The growth of a nation, the enlargement of its political ideas, may be measurable by young intellects, but not the registration of that growth in great political documents. And yet even documents may be occasionally used. There seems to be no good reason for merely reading about the Declaration of Independence without seeing the printed instrument itself, or talking about the Ordinance of 1877 or the Proclamation of Emancipation without knowledge of the texts.

There is, however, a large body of material of another kind which is as trustworthy as constitutional documents and is much more attractive. Such are books of travel, which from Herodotus down to James Bryce have been one of the most entertaining and suggestive sources on the social and intellectual phenomena of history. Of equal interest, and perhaps of greater value, are the actual journals and letters of persons contemporary with the events which they describe. Such are Cicero's Epistles, Luther's Letters, Pepys's Diary, Bradford's History, and the more intimate writings of statesmen like Henry VIII of England and Henry IV of France, Frederick the Great, Franklin, Washington, and Gladstone. These are unfailing sources of historical information, and they give in

addition a personal and human interest to the subjects which they illustrate.

In dealing with young minds which are rapidly opening, it is of special importance to choose books or extracts which have a literary value. The annals of the race are founded on first-hand accounts of historical events, many of which are written in such a fashion as to be worth reading aside from their historical value. Such are, for example, Einhard's *Life of Charlemagne*; the naive accounts of the foundation of the Swiss Republic in 1292; the journals of the early voyagers to the Western world; the table talk of Bismarck; the farewell letters of John Brown, and the memoranda of Lincoln's few brief speeches. Such material used in schools gives part of the training and enjoyment to be had from good literature, and at the same time furnishes illustrations that make the text-book of history sparkle with human life.

In connection with topical work, the pupils may with special advantage make use of the sources. To the child such work is as fresh as though it had never been undertaken by any other mind. In comparing the statements of various sources and arriving at a conclusion from taking them together, the pupil gets a valuable training of judgment. He must not suppose that he is making a history, or that his results are comparable with those of the trained historian; but he may have an intellectual enjoyment of the same kind as that of the historical writer. The committee is fully aware of the difficulty of carrying on such methods as are here suggested; they require advantageous circumstances and material which is easily handled and with which the teacher has decided familiarity. As has been pointed out above, written work must not be the only or even the principal employment of the pupil, but in the preparation of written topics much may be gained by dealing with sources, if a sufficient variety is available. Wherever written work is required, therefore, it is desirable to have some sources, to be used not merely for help in writing, but for reference. In this way the pupil may get an idea of the difficulties of ascertaining historical truth and of the necessity for impartiality and accuracy.

Besides the sources which have come down to us in written form and are reproduced upon the printed page, there is another important class of historical materials which is of great assistance in giving reality to the past—namely, actual

concrete remains, such as exist in the form of old buildings, monuments, and the contents of museums. Many schools have direct access to interesting survivals of this sort, while the various processes of pictorial reproduction have placed abundant stores of such material within reach of every teacher. The excellent illustrations of many recent text-books may be supplemented by special albums, such as are used in French and German schools, and by the school's own collections of engravings and photographs cut from magazines or procured from dealers.<sup>1</sup> Some schools have also provided sets of lantern slides. Of course, in order to entitle such illustrations to serious use and to the rank of historical sources, they must be *real* pictures—actual reproductions of buildings, statues, contemporary portraits, views of places, etc.—and not inventions of modern artists. It is easy to make too much of illustrations and thus reduce history to a series of dissolving views, but many excellent teachers have found the judicious use of pictures helpful in the extreme, not merely in arousing interest in the picturesque aspects of the subject, but in cultivating the historical imagination and in giving definiteness and vividness to the pupil's general ideas of the past. An appeal to the eye is of great assistance in bringing out the characteristic differences between past and present, and thus in checking that tendency to project the present into the past which is one of the most serious obstacles to sound views of history. The chief danger in the use of pictorial material lies in giving too much of it, instead of dwelling at length on a few carefully chosen examples.

To sum up this part of the subject, the committee looks upon sources as adjuncts to good text-book work, as something which may be used for a part of the collateral reading and may also form the basis of some of the written work. Such use of material, with proper discrimination in choosing the sources, will add to the pleasure of the pupil, and will by sharpness of outline fix in his mind events and personalities that will slip away if he uses the text-books alone.

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<sup>1</sup> Selections from the Perry prints, and the cheap series of photographic reproductions issued by various American houses, are always available at a very moderate price, and have found a place in many schools. Good types of inexpensive foreign albums are Seeman's *Kunsthistorische Bilderbogen* and the *Albums Historiques* of Parmentier (Paris, Hachette). Heise in Vienna publishes Langl's *Bilder zur Geschichte*, a set of sixty-two wall pictures of the great structures of all ages.

## INTENSIVE STUDY.

That we have not dwelt at any length upon the desirability of devoting time to what is termed by the Madison Conference "intensive study" is because we do not see how in many schools sufficient time can be given to such work, and not because we advise against the adoption of that plan of work if there is time and opportunity in the school course. Indeed, we believe that the careful examination of a very limited period is highly beneficial. By intensive study we do not mean original work in the sense in which the word "original" is used in advanced college classes; we mean simply the careful and somewhat prolonged study of a short period. The shorter the period and the longer the time devoted to it the more intensive the study will be. Perhaps in the courses in English and American history time may be found to study one or two periods with special care and attention, so that the pupil may have exceptional opportunities to read the best secondary authorities, and even to examine primary material. For example, in English history it may prove possible to give two or three weeks instead of two or three days to a study of the important events and meanings of the Commonwealth, or to the ideas and progress of the whole Puritan movement. In American history it may be wise to study for a considerable time such subjects as the causes of the Revolution, or the Confederation and the formation of the Constitution, or the chief events of the decade from 1850 to 1860. When this plan of selecting a period or a topic for intensive examination is possible, the pupil can gain great advantage by the opportunity of delving deeper into the subject than is possible when all parts of the work are studied with equal thoroughness or superficiality; they can read more in the secondary material, can get a peep at the sources, and thus come to a fuller appreciation of what history is and how it is written. Only when good working facilities are at hand, however, and the teacher, knowing the material, has time to guide his pupils and give them constant aid and attention, will this plan prove very helpful.

## THE NEED OF TRAINED TEACHERS.

If history is to take and hold its proper place in the school curriculum, it must be in the hands of teachers who are thoroughly equipped for the task of bringing out its educational value. It is still not very unusual to find that history



is taught, if such a word is appropriate, by those who have made no preparation, and that classes are sometimes managed—we hesitate to say instructed—by persons who do not profess either to be prepared or to take interest in the subject. In one good school, for example, history a short time ago was turned over to the professor of athletics, not because he knew history, but apparently in order to fill up his time. In another school a teacher was seen at work who evidently did not have the first qualifications for the task; when the examiner inquired why this teacher was asked to teach history when she knew no history, the answer was that she did not know anything else. As long as other subjects in the course are given to specialists, while history is distributed here and there to fill up interstices, there can be no great hope for its advancement. Fortunately, however, this condition of things is disappearing as history gradually finds its way to a place beside such subjects as Latin and mathematics, which claim a prescriptive right to first consideration.

Doubtless to teach history properly is a difficult task. It requires not only wide information and accurate knowledge, but a capacity to awaken enthusiasm and to bring out the inner meanings of a great subject. Accuracy and definiteness must be inculcated in the pupil, and he must be led to think carefully and soberly; but he must also be tempted to range beyond the limits of the text and to give rein to his imagination. Pupils often complain that, while in other studies a lesson can be thoroughly mastered, in history every topic seems exhaustless. Teachers are constantly confronted with just this difficulty. So many problems arise and demand attention; so difficult is it to hold the pupil to definite facts, and yet help him to see that he is studying a scene in the great drama of human life which has its perpetual exits and entrances; so hard a task is it to stimulate the imagination while one is seeking to cultivate the reason and the judgment, that the highest teaching power is necessary to complete success.

The first requisite for good teaching is knowledge. The teacher's duty is not simply to see that the pupils have learned a given amount, or that they understand the lesson, as one uses the word "understand" when speaking of a demonstration in geometry or an experiment in physics. His task is to bring out the real meaning and import of what is learned by adding illustrations, showing causes, and suggesting results, to select the important and to pass over the unim-

portant, to emphasize essentials, and to enlarge upon significant facts and ideas. A person with a meager information can not have a wide outlook; he can not see the relative importance of things unless he actually knows them in their relations.

But knowledge of facts alone is not enough. In historical work pupils and teacher are constantly engaged in using books. These books the teacher must know; he must know the periods which they cover, their methods of treatment, their trustworthiness, their attractiveness, their general utility for the purposes of young students. He must have skill in handling books and in gleaning from them the information which he is seeking, because it is just this skill which he is trying to give to his pupils. No one would seriously think of putting in charge of a class in manual training a person who had himself never shoved a plane or measured a board. To turn over a class in history to be instructed by a person who is not acquainted with the tools of the trade and has had no practice in manipulating them is an equal absurdity.

A successful teacher must have more than mere accurate information and professional knowledge. He needs to have a living sympathy with the tale which he tells. He must know how to bring out the dramatic aspects of his story. He must know how to awaken the interest and attention of his pupils, who will always be alert and eager if they feel that they are learning of the actual struggles and conflicts of men who had like passions with ourselves. Though stores of dates and names must be at the teacher's command, these are not enough. He must have had his own imagination fired and his enthusiasm kindled; he must know the sources of historical knowledge and the springs of historical inspiration; he must know the literature of history and be able to direct his pupils to stirring passages in the great historical masters; he must know how to illumine and brighten the page by readings from literature and by illustrations from art.

"It were far better," says Professor Dicey, "as things now stand, to be charged with heresy, or even to be found guilty of petty larceny, than to fall under the suspicion of lacking historical-mindedness, or of questioning the universal validity of the historical method." To cultivate historical-mindedness, to teach pupils to think historically and to approach facts with the historical spirit—this is the chief object of instruction in any field of history. But unless the teacher has had practice

in dealing with facts, unless he has acquired perspective, unless he has become historical-minded and knows himself what the historical method is, he can not instruct his pupils. These characteristics can not be absorbed from a text-book in an hour or two before the recitation; they are the products of time and toil.

Possibly the day is far distant when all teachers in this country will be prepared for their duties by a long course of training such as is required of a teacher in European schools; but there are a few evidences that this time is slowly approaching. Beyond all question, some of the best teachers in our secondary schools are almost wholly self trained; some of them are not college graduates. But these exceptions do not prove that advanced collegiate training and instruction are undesirable. In teaching a vital subject like history, much depends upon the personality of the teacher, upon his force, insight, tact, sympathy, upon qualities that can not be imparted by the university courses or by prolonged research. Though all this be true, every teacher should have had some instruction in methods of teaching, and should have learned from precept what are the essentials of historical study and historical thinking; and—what is of much greater importance—he should have so worked that he knows himself what historical facts are and how they are to be interpreted and arranged. The highly successful teacher in any field of work needs to be a student as well as a teacher, to be in touch with the subject as a growing, developing, and enlarging field of human knowledge.

#### COLLEGE ENTRANCE REQUIREMENTS.<sup>1</sup>

Any consideration of college entrance requirements presents many difficulties; but probably no field of work offers greater problems than does that of history, because the schools have no common understanding as to the amount of history that should be offered in the curriculum, and because the universities differ materially in their requirements. The first

<sup>1</sup> In 1896 the National Educational Association appointed a committee to consider the subject of college entrance requirements and to report a scheme of uniform requirements. At the request of that committee the American Historical Association appointed the Committee of Seven to draft a scheme of college entrance requirements in history. The portion of our report that here follows was prepared with that purpose in mind, and substantially similar recommendations have already been made to Superintendent Nightingale, as chairman of the committee of the National Educational Association.



fundamental fact to be remembered is that a very large percentage of secondary pupils do not go to college, and that in a very great majority of schools the courses must be adapted primarily for the pupils who finish their study with the secondary school. It is often asserted that the course which fits pupils for college is equally well adapted to the uses of those who do not go to college. We do not care to argue this question, although we doubt very much if it be true that the requirements laid down for entrance to college, requirements which still bear the mark of the old régime, are likely to furnish the best equipment for the work and play of every-day life. Whether this be true or not, it is certainly wrong to shape secondary courses primarily with a view to college needs. In the great majority of schools the curriculum must be prepared with the purpose of developing boys and girls into young men and women, not with the purpose of fitting them to meet entrance examinations or of filling them with information which some faculty thinks desirable as a forerunner of college work. Many of the academies and some of the high schools can without much trouble meet the artificial requirements of the colleges; but a great majority of the high schools and some of the academies have great difficulty, and it is an almost impossible task so to arrange the programme that pupils can be fitted for more than one institution.<sup>1</sup>

For this reason we welcome the efforts of the committee of the National Educational Association to simplify and unify college entrance requirements. We believe, however, that the first requisite of a successful accomplishment of this task is a recognition of the fact that the great majority of schools are not fitting schools for college; and it seems to us that any rigid and inelastic régime which does not take into consideration the fact that schools are working in many different environments and are subject to different limitations and conditions can not be very widely accepted or prove useful for any length of time. We venture to suggest, therefore, that in any effort to simplify the situation by relieving the schools from the burden of trying to meet college requirements two things are essential. One is, that the fundamental scope and purpose of the major part of the secondary schools be regarded;

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<sup>1</sup> For example, in a catalogue of a good high school—a school rather large than small, and well equipped with teachers—we find these typical statements, that a pupil may prepare in that school for one of several universities, but that at the beginning of the second year he should know what he intends to do; and that a failure to choose accurately in any one semester involves the loss of a year.

the other, that such elasticity be allowed that schools may fit pupils for college and yet adapt themselves to some extent to local environment and local needs.<sup>1</sup>

We feel justified, therefore, as students and teachers, in marking out what we think is the best curriculum in history, in discussing the educational value of the study, in emphasizing the thought that history is peculiarly appropriate in a secondary course, which is fashioned with the thought of preparing boys and girls for the duties of daily life and intelligent citizenship, and in dwelling upon methods for bringing out the pedagogical effect of historical work. It seems to us that, in consideration of the value and importance of historical work, and in light of the fact that so many thousands of pupils are now engaged in historical study, the colleges should be ready to admit to their list of requirements a liberal amount of history; but we do not feel that we should seek to lay down hard-and-fast entrance requirements in history and ask the colleges or the committee of the National Educational Association to declare in favor of an inflexible régime.

For convenience of statement we have adopted, in the recommendations which follow, the term "unit." By one unit we mean either one year of historical work wherein the study is given five times per week, or two years of historical work wherein the study is given three times per week. We have thought it best to take into consideration the fact that different colleges have now not only different requirements, but also entirely different methods of framing and proposing requirements. It has not seemed wise, therefore, to outline historical courses on the supposition that all colleges would at once conform to a uniform arrangement.

1. If a college or a scientific school has a system of complete options in college entrance requirements—that is, if it accepts a given number of years' work, or units, without prescribing specific subjects of study (as at Leland Stanford University)—we recommend that four units in history be accepted as an equivalent for a like amount of work in other subjects. Likewise, that one, two, or three units in history be accepted.

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<sup>1</sup> It does not seem wise, even if it be possible, to outline the same rigid entrance requirements for the University of California, University of Kansas, University of North Carolina, Yale, Harvard, Tulane, and a hundred others. This policy would mean that secondary schools everywhere throughout the country must disregard local conditions and yield to an outside force.

*B.* The secondary course, sometimes called the Latin course, in which a modern language takes the place of Greek, presents nearly the same problems as the classical course. It does not afford much time for the study of history. We therefore recommend that some one of the four blocks mentioned above be selected.

*C.* In the scientific secondary course more opportunity for historical study is often allowed, and here two units of history may be given. At least one of them will naturally be a modern field, and yet it may be said that it is highly desirable that scientific pupils should by the study of ancient history obtain something of the culture which is not wrongly supposed to come from the study of classical civilization.

*D.* The fourth secondary course, commonly called the English course, should have history for its backbone, inasmuch as it is a study peculiarly capable of being continued throughout the four years, and of offering that opportunity for continuous development which the classical pupil obtains from the prolonged study of Latin. We strongly advise that sustained effort be devoted to history in order that this course may have a certain consistency and unity. There are already schools that offer history for four years, and give four full units, consisting substantially of the four blocks we have outlined. If the four full units can not be given, it may be well to offer history only three times a week in one of the four years. If only three years can be devoted to the study, one of the four blocks must, as we have already said, be omitted, or two fields must be compressed in some such manner as that suggested in the earlier portion of this report.<sup>1</sup>

The general recommendations under this head may then be summed up as follows: (*a*) For the classical course, one unit of history, to consist of one of the four blocks previously mentioned; (*b*) for the Latin course, the same; (*c*) for the scientific course, two units consisting of any two of the blocks; (*d*) for the English course, three units consisting of any three of the blocks, or consisting of two blocks and a combination of two others. We strongly recommend that four years of history be given in this course, in order to make history one of the central subjects.

It should be said in conclusion that, in demanding but one unit of history as the minimum requirement for entrance to a

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<sup>1</sup> See above, p. 451.

a study whose sole theme is humanity. When four years are given to Latin, two or more to Greek, two or three to mathematics, one, or perchance two, to science, some room should be found for history, even if the time given to other studies be diminished. If we take for granted the fact that the great majority of secondary pupils do not go to college, can we declare that they should go out into life with no knowledge of the humanities save that acquired by the study of the Greek and Latin tongues?

To decide what field of history should be chosen is a matter of considerable difficulty. We believe it desirable that pupils should know the life and thought of Greece and Rome and the development of their civilization; that they should study the great facts of European history after the downfall of the Roman Empire; that they should have some knowledge of how England grew to be a great empire and English liberty developed, and that they should come to know their own political surroundings by studying American history and government. We hesitate, therefore, to recommend that any one particular field be chosen to the exclusion of the rest; and yet we think that far better educational results can be secured by devoting a year to a limited period than by attempting to cover the history of the world in that length of time. We believe that it is more important that pupils should acquire knowledge of what history is and how it should be studied than that they should cover any particular field.

Perhaps it is not impossible, in connection with the study of Greek and Latin, to pay such attention to the growth of Greece and Rome that the pupils may be led to an appreciation of the character and essential nature of ancient civilization. This is one of the great ends of historical work; and if the humanities can thus be humanized, there will be less need of prescribing Greek or Roman history as a distinct subject for classical students,<sup>1</sup> and some other historical field may then be chosen. We can not be sure, however, that such methods of teaching the classics will prevail, and we must content ourselves with recommending one of the four blocks or periods which are marked out in the earlier portions of this paper, without designating any particular one.

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<sup>1</sup>That the desirability of such a method is recognized by many classical teachers is shown, for example, by the paper by Prof. Clifford Moore on "How to enrich the classical course," published in the *School Review*, September, 1898.

*B.* The secondary course, sometimes called the Latin course, in which a modern language takes the place of Greek, presents nearly the same problems as the classical course. It does not afford much time for the study of history. We therefore recommend that some one of the four blocks mentioned above be selected.

*C.* In the scientific secondary course more opportunity for historical study is often allowed, and here two units of history may be given. At least one of them will naturally be a modern field, and yet it may be said that it is highly desirable that scientific pupils should by the study of ancient history obtain something of the culture which is not wrongly supposed to come from the study of classical civilization.

*D.* The fourth secondary course, commonly called the English course, should have history for its backbone, inasmuch as it is a study peculiarly capable of being continued throughout the four years, and of offering that opportunity for continuous development which the classical pupil obtains from the prolonged study of Latin. We strongly advise that sustained effort be devoted to history in order that this course may have a certain consistency and unity. There are already schools that offer history for four years, and give four full units, consisting substantially of the four blocks we have outlined. If the four full units can not be given, it may be well to offer history only three times a week in one of the four years. If only three years can be devoted to the study, one of the four blocks must, as we have already said, be omitted, or two fields must be compressed in some such manner as that suggested in the earlier portion of this report.<sup>1</sup>

The general recommendations under this head may then be summed up as follows: (*a*) For the classical course, one unit of history, to consist of one of the four blocks previously mentioned; (*b*) for the Latin course, the same; (*c*) for the scientific course, two units consisting of any two of the blocks; (*d*) for the English course, three units consisting of any three of the blocks, or consisting of two blocks and a combination of two others. We strongly recommend that four years of history be given in this course, in order to make history one of the central subjects.

It should be said in conclusion that, in demanding but one unit of history as the minimum requirement for entrance to a

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<sup>1</sup> See above, p. 451.

college or a scientific school, the committee does not wish to be understood as expressing its approval of this amount as an adequate course in history for secondary schools. In this portion of the report we have been obliged to work within the limits of the systems of entrance requirements that now prevail, and to frame recommendations that may be adapted to existing conditions; but we do not believe that a single unit of history constitutes a sufficient course, viewed with reference either to the relative importance of the subject or to the possibility of realizing the aims of historical instruction within the time that would thus be at the teacher's disposal. The arguments for the necessity of a comprehensive and substantial course in history have been presented at length in the earlier sections of this report; and, though it may not at present be feasible for every college to require more than one unit of history, the committee believes that two units should constitute the minimum amount offered in any school, and it maintains that a still more extended course in history has claims quite equal to those that may be urged on behalf of any other study in the secondary curriculum.

#### ENTRANCE EXAMINATIONS.

One subject connected with college entrance requirements has peculiar importance in connection with the study of history, namely, that of entrance examinations. Higher institutions that admit students on the basis of certificates need have no administrative difficulty in giving large recognition to history as a preparatory subject, but in colleges and universities that can be entered only after passing examinations the problem is somewhat different. As has been emphasized elsewhere in this report, the utility of historical study lies not only in the acquisition of certain important facts, but in great measure in its indirect results in training the powers of discrimination and judgment; it will often happen that pupils who have profited largely from their study of history will, especially after two or three years have elapsed, show surprising *lacunæ* in their stores of historical information. While a course in history should be progressive and build steadily upon what has gone before, one stage does not depend so immediately upon the preceding, and involve so persistent a review of earlier work, as is the case in language and mathematics; and besides, growth in power of historical thinking is much harder

to measure than progress in mathematical knowledge or in linguistic facility. These difficulties are present in some degree, even when the candidate is examined on work done in history in the last year of the secondary school; but they become exceedingly serious when the subject has been studied some years before, or when the course in history covers two, three, or four years of the period of secondary instruction.

The remedy, in our opinion, lies, not in the exclusion or unnatural restriction of history as a subject for entrance, but in the reform of methods of examination in history; if the present system of entrance examination does not—and it generally does not—properly test the qualifications of candidates in history, it is time to consider how it may be changed. Certainly nothing has done more to discredit history as a subject for college entrance than the setting of papers which demand no more preparation than a few weeks' cram. The suggestions which follow are offered in the hope, not that they will afford a final solution of the problem, but that they may prove helpful in bringing about a more just and adequate system of examinations in history. The complete adoption of them will naturally involve a larger allotment of time to history than is now given in examination schedules, and will impose a heavier burden upon those to whose lot the reading of papers in history falls; but it is not likely that the demands on time and energy will prove greater than in other well-recognized admission subjects, and it is not unreasonable to expect college authorities to make suitable provision in these regards.

The main element in entrance examinations in history must probably continue to be the written paper, but this should be set with the idea of testing to some extent the candidate's ability to use historical material, as well as his knowledge of important facts. The information questions should not demand the simple reproduction of the statement of the text, but should in large measure be so framed as to require the grouping of facts in a different form from that followed in the books recommended for preparation. There should also be questions involving some power of discrimination and some use of legitimate comparison on the part of the candidate. It is not to be expected that skill in utilizing historical material will be present in a high degree in the candidate for admission to college, but the student who has learned how to handle books and to extract information from them in the course of

his secondary studies has the right and the ability to make this knowledge count for something toward college entrance. As suitable tests we may suggest comment on carefully chosen brief extracts from simple sources or modern works, analysis or discussion of more extended passages, supplemented perhaps by outline maps or concrete illustrations—anything, in short, that will show the student's capacity of taking up a fresh question in a way that indicates some development of the historical sense. Naturally, attainments in this direction will be expected chiefly of those who present history as an additional option.

Doubtless to many these tests will appear sufficient; but it must always be borne in mind that a written paper, even when the questions have been prepared with great care, can not yield such decisive results in history as it can, for example, in a subject like English composition. The examiner should always have an opportunity—and particularly in doubtful cases—of supplementing by other means the information gained from the paper. One excellent adjunct is the submission by the candidate of written work done in connection with his study of history in school. This may include notebooks, abstracts of reading, and prepared papers, none of which, however, should be accepted without proper guaranties of authenticity and independent preparation. Another supplementary test, which is largely used in European examinations and has commended itself to the experience of many American examiners, consists of a brief oral conference with the candidate. This should be quite informal in character, and should aim to discover, if possible, something concerning the personality of the candidate and the nature of his historical training, rather than to elicit brief answers to a few arbitrarily chosen questions.

The following analytical statement will show at a glance our recommendation concerning the organization of the history course.

#### FOUR YEARS' COURSE IN HISTORY.

*First year.*—Ancient history to 800 A. D.

*Second year.*—Mediæval and modern European history.

*Third year.*—English history.

*Fourth year.*—American history and civil government.

#### THREE YEARS' COURSE IN HISTORY.

A.

Any three of the above blocks.



## B.

*First or second year.*—Ancient history to 800 A. D.

*Second or third year.*—English history, with special reference to the chief events in the history of Continental Europe.

*Third or fourth year.*—American history and civil government.

## C.

*First or second year.*—Ancient history to 800 A. D.

*Second or third year.*—Mediæval and modern European history.

*Third or fourth year.*—American history, with a consideration of the chief events in the history of England.

## D.

*First year.*—Ancient history to 800 A. D.

*Second year.*—English history, with reference to the chief events in later mediæval history (three times per week).

*Third year.*—English history, with reference to the chief events in modern European history (three times per week).

*Fourth year.*—American history and civil government.

## E.

*First year.*—Ancient history to 800 A. D.

*Second year.*—Mediæval and modern European history.

*Third year.*—American history, with special reference to the development of English political principles and English expansion in connection with American colonial history (three times per week).

*Fourth year.*—American history and civil government (three times per week).

This report is offered with the hope that it may be of service to teachers of history and to those who have the task of arranging school programmes. We hope also that it does not inadequately express the opinion of progressive teachers and students as to what should be done for the development of secondary school work in history.

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*Professor of Modern European History in Cornell University.*

## APPENDIX I.

### THE PRESENT CONDITION OF HISTORY TEACHING IN AMERICAN SECONDARY SCHOOLS.

At the very outset of its work the committee, believing that recommendations must proceed from a knowledge of the conditions and results in the schools, undertook to learn as far as possible what was actually being done by the secondary schools in the country in the subject of history. A circular was accordingly prepared in elaborate form in the hope that the answers to the questions thus proposed would give the committee a basis of fact. These circulars were not sent broadcast; in each State, so far as possible, some person acquainted with the educational work of that State sent us a short list of typical schools, large, middle-sized, and small, public and private, and we thus made up a list of about three hundred schools which would reflect the conditions of the whole country. From most of the schools thus approached answers were received, perhaps two hundred and sixty in all. Of these, two hundred and ten were sufficiently full on most points to admit of some sort of tabulation from which general tendencies might be perceived.

In going over the returns difficulties were encountered. Notwithstanding the combined efforts of the committee some of the questions were not so framed as to bring out precisely what was wanted. Accordingly, toward the end of the investigation a considerable number of the schools which had replied to the first circular were asked to send answers to a second much briefer and simpler set of questions, intended principally to make clear the practice and opinion of educators on the points that had proved the most difficult for the committee. A copy of this circular will be found at the end of this appendix.

As is usual in inquiries by correspondence, the returns show more certainly what schools do not do than what they do; the negative evidence is convincing that the schools have a great variety of programmes and methods, but it is hard to be sure that any considerable number have the same system or attach

the same meaning to such terms as "collateral reading," "topics," "use of maps," "notebooks," etc. The general inferences from the circulars, however, agree with the results of many personal conferences with teachers, by showing that a large number of schools set themselves earnestly to the task of teaching history; that a large number make a sufficient time allowance to deserve good results; and that the general notions as to methods are on the same lines throughout the country. Such generalizations as the committee thinks itself justified in making on question of details, from the returns to the two circulars, supplemented by its private information, may be briefly stated as follows:

#### 1. CHOICE OF SUBJECTS.

The subjects in the order of their frequency are: (1) English and American history, taught in more than half the schools; (2) "general history," taught in almost exactly half the schools; (3) Greek and Roman history, taught in about half the schools; (4) European history, taught in about one-third of the schools, the three forms—mediæval, modern, and French history—being about equally common. In a very few schools the history of the State in which they are situated is a subject. The favorite topics are, therefore, English and American history, usually both taught in the same school; Greek and Roman history, usually both taught in the same school; and some form of a broader history, commonly the so-called "general history."

On the subject of general history there appears to be wide divergence of practice as well as of opinion. In the Middle States, most of the schools reporting have a one-year course, as have also a considerable number in the West; in New England, preponderance of sentiment is against such a course. In some cases the course takes the form of mediæval history alone; in some cases that of French history as a ground work—the system recommended by the Madison Conference; in most instances the course is apparently a general survey based on one text-book, with little or no collateral reading or illustrative work.

#### 2. ORDER OF SUBJECTS.

The committee has taken pains to ascertain the more common preferences as to the succession of historical subjects, and finds that in general four different systems have been followed: (1) About one-third of the schools follow the chronological

method, taking up in succession ancient history, general history, and modern history in some form, usually English or American, or both; that is, they use general history as a bridge between ancient times and our modern nations. (2) A much smaller number of schools, perhaps a seventh of the whole, prefer the order, general, ancient, and modern; that is, first of all a survey of the whole field, and then more detailed study, first of the ancient period, then of the modern. This method is apparently less common in New England than in the West. (3) The third method begins with American, or sometimes with English history, and then takes general history, bringing in ancient history last. About one-fifth of the schools reporting use this system, which is least common in the Middle States, and which would seem to be devised to bring ancient history into a place convenient for college examinations. (4) A fourth method, which prevails in more than a quarter of the schools, is that of beginning with American, following with ancient history, and ending with a general course; that is, they proceed from the particular to the general.

To make the generalization in broader form, the returns from a body of schools most interested in the subject of history show that one-half prefer to begin with the history nearest to the pupils in experience, and then to take up wider choices, while one-third have the chronological system, and the remainder begin with the general survey of the whole field.

### 3. SEPARATE COLLEGE COURSES.

The report of the committee of ten bore very strongly against establishing courses in any one subject for the benefit of only those pupils who expect to go to college; and that recommendation exactly coincides with the actual experience of the schools—so far as the study of history is concerned. Three-fourths of them advocate, and probably practice, the system of having the same teaching for both classes of pupils. This generalization applies also to New England, although in that section there is a large number of special preparatory schools.

### 4. TIME GIVEN TO HISTORY.

One of the arguments frequently urged against insisting on a good secondary course in history is that there is no time for it. The committee therefore has taken some trouble to ascertain the time allowance now made in various schools, asking

in the second circular the specific question: "What is the maximum number of exercises in history in your whole curriculum (allowing forty weeks as a school year) open to a pupil who chooses that course which has most history in it?" There seems no reason to doubt the sincerity and accuracy of the replies to this question, although the results are surprising. Only one-seventh of the schools offer less than 200 exercises in one or another of their curricula. Probably there are courses, as the classical or the scientific, in which this maximum number of exercises is not attainable by any one pupil, even although the facilities of the school permit the offering of detached parts of a good course. Three-fourths of the 70 schools scattered throughout the country which report on this question offer more than 400 exercises; that is, the equivalent of five exercises a week during two years. The Middle and Western States are rather more alive than New England to the importance of history; and some schools both in the East and West allow as much as 800 exercises. It is therefore safe to assume that good secondary schools can so arrange their schedules as to make a proper time allowance for history.

##### 5. TEXT-BOOKS.

Knowledge as to the actual methods pursued in schools is difficult to gain from written circulars, because so much depends upon the understanding and use of terms; but the experience of the members of the committee gained by association with secondary teachers, and in many cases by actual personal knowledge of their work, supplements and corrects such generalizations as may be made from the returns to our circulars. The text-books used are legion, and without mentioning titles, it is the judgment of the committee that, although the old-fashioned and discarded books are now disappearing, the favorite text-books seem still to be the briefer ones. Few schools appear to select a book with a good round amount of reading matter; hence, unless supplemented by other work, the text-books used are likely to furnish an insufficient mental pabulum. Some specific information has been obtained about the opinion of selected teachers as to the wisdom of using more than one kind of text-book in the same class. Opinion seems about evenly divided, with a preponderance against the practice.

## 6. COLLATERAL READING.

On the question of supplementing text-books with additional reading of some sort there seems little difference of opinion. Only one principal known to the committee advocates the extensive use of the text-book with little or no additional work; about one-half the selected principals favor a large amount of collateral reading; the other half prefer more searching text-book work and less reading. In view of this very distinct preference, it is surprising to find how few of the schools really seem fitted out with good collections of standard secondary writers, suitable either for reading or for written work. Even schools with considerable libraries appear unable to keep up with the new general books, which would be so useful to pupils.

Perhaps this lack of material accounts for the facts that very few schools (most of them in the Middle States) actually require as many as three hundred pages of collateral reading in connection with a course of five hours per week for a year, and that three-fourths of the schools have no specified requirements. Apparently pupils are invited to browse, but there is no system of enforcing the reading. Perhaps some of these schools may, without specifying a fixed number of pages, require results which may be gained from any one of several books; but it seems a fair inference from the replies that as yet the schools have not fully introduced the system of collateral reading, and that many of them have not the necessary library.

## 7. WRITTEN WORK.

From the replies received, written work seems to be reasonably well established; very few schools report that they require none. In most cases this work makes up less than one-third of the time spent by the pupils in a course. A great variety of written exercise are in use, and the schools seem eager to further the method; but in many schools it appears not to be a very exacting part of the historical work. Many teachers are struck with the effect of written work in training the memory and the powers of selection and in developing a capacity for individual thought. They see also that accuracy of arrangement and the power of analysis are induced, as well as an acquaintance with the material, and an ability to learn facts

and to state them cogently. The criticisms most often passed upon such work are three: That it runs to routine and copying; that it consumes too much time, and that "it kills off good teachers." It appears, however, that these disadvantages have not been sufficient to cause the giving up of the system, which in a considerable body of schools is now fairly established.

#### 8. USE OF SOURCES.

The reports of more than sixty principals on the subject of using historical sources, either as collateral reading or as material for written work, show that this system has little hold in the Middle States, much in New England, and some in the West. Nearly half the principals do not favor it, and some who like it have not sufficient books. The objections appear to be, first, that it is a time-consuming method; second, that it throws upon the pupils an undue responsibility beyond their years and understanding, and third, that it is "an attempt to foist upon the preparatory student the work of the university specialist." The arguments used in favor of the method are that it teaches the habit of getting at the bottom of a question; that it induces methods of correct note taking and record; that it trains individual judgment; that it "vitalizes" history and leads to greater interest and zeal. From the replies it seems doubtful whether all the teachers know what is meant by "sources," or understand where to stop in using them in connection with busy school work.

#### 9. TEACHERS.

One question asked of the selected principals was: "Are your teachers of history especially prepared for that work, as your teachers of languages or science are expected to be prepared?" To this question one-fourth frankly answered that they had no teachers of history who had been especially prepared. About another fourth put part of their history work into the hands of untrained teachers. Something more than half give no work except to those who have special preparation. The Middle and Western States have in this respect a great advantage over New England, where the idea that none but persons who know history can teach history seems slow of infiltration.

#### 10. COLLEGE REQUIREMENTS.

It is not the function of this committee to make up a college entrance system, but rather to suggest a plan of study for the schools, and the committee has abstained from recommending

any distinct system or method. As a means of collecting information it asked for the opinions of teachers as to a plan which has become known through the country. One of the specific questions asked was therefore as to the state of mind towards "the recommendation of the New York conference of 1896," which was substantially as follows:

(a) Minimum time, two years, three exercises per week (or one year, five exercises per week).

(b) A good text-book.

(c) Collateral reading.

(d) Written work (a notebook, to be certified by the teacher).

(e) Presumably two subjects, as Greek and Roman, or English and American.

This recommendation has the qualified, or slightly qualified, approval of a little more than half the principals replying, and seems to meet with little objection in New England, where various colleges have indeed adopted it. The criticisms are most numerous from the West, but about half the objectors take exception only to the time requirement; they urge that the colleges ought to require more subjects, or at least that the minimum time ought to be enlarged. Four persons object to the collateral reading—none from New England. To written work there is little or no specific objection. The most frequent criticism is as to the notebook requirement. On that point one-ninth of the answers protest. A small number object to the choice of subjects stated by the conference. To sum up the returns on this question, the serious objections raised are not against a wider allowance of history, but against details, of which the notebook suggestion is the point most criticised.

#### SUMMARY.

In this attempt to state in a few words the practices and preferences of the three thousand secondary schools in the country, the committee has availed itself, first, of the experience of its own members, four of whom have been teachers in secondary schools; second, of the acquaintance of the members of the committee with teachers, schools, and conditions in the various parts of the country; third, of answers to the circulars sent to schools, stated by educational authorities to be representative, some of which are very large and strong, some smaller, and some weak. In the 260 schools replying out of this category, an attempt has been made to discover



the practice in teaching history; and a second inquiry has been sent out to a body of schools which from their answers to the first circulars seemed in a position to furnish representative information. If the committee has misjudged what the schools are doing and may be expected to do, it has not been from lack of effort, or from preconceptions as to what the schools ought to do, but from the impossibility of generalizing where the practices of the schools are so varied.

#### CIRCULARS.

It has not seemed necessary to reprint the first circular of inquiry; but we add a copy of the second circular, since it was directed to the questions which in the course of the investigation seemed vital.

MY DEAR SIR: Some time ago you were good enough, at the request of this committee, to fill out a circular of inquiry as to the teaching of history in your school. We beg to thank you for your courtesy, and to express our sense of the helpfulness of your answers.

In attempting to collect the answers from various sources, and to arrive at a just estimate of what the schools are doing and can do, we need definite statements on a few points, in a form for comparison; and we therefore ask you to add to the obligation under which you have placed the committee and all those interested in the proper teaching of history, by briefly stating your practice and your preferences with regard to the subjects mentioned below.

The committee will feel very grateful for suggestions of any difficulties which you foresee in the new methods which have recently been brought forward. We want to know both sides, so that we may make no recommendations which will not commend themselves to intelligent teachers.

In order to be available, your answer should reach the secretary of the committee by December 17. Please answer on this sheet or otherwise, numbering the answers in sequence. Your answer is not to be made public; and even the briefest replies will be much appreciated, if time presses.

1. *Courses.*—What is your practice and what is your opinion on having a separate course in history for those only who expect to go to college, and another course for others?
2. *Order of courses.*—What do you consider the best order in which to take up the five subjects most frequently offered, viz, American, English, General, Greek, Roman?
3. *General history.*—What is your practice and what is your opinion as to a one year's course (of five exercises a week) in "general history?"
4. *Time given to history.*—What is the maximum number of exercises in history in your whole curriculum (allowing forty weeks as a school year), open to a pupil who chooses that course which has most history in it?

5. *Text-books*.—What is your practice and your opinion as to using more than one kind of text-books in the same class?
6. *Collateral reading*.—Which of the following systems do you prefer: Simply a text-book drilled over and over; or a text-book thoroughly taught, with some collateral reading; or a text-book carefully read as a backbone, with much collateral reading? How many pages of collateral reading do you actually require in a course of five hours a week for a year?
7. *Written work*.—Do your pupils do substantial and systematic written work throughout their history courses—sufficient to make up, say, a third of their history work? What advantages and disadvantages do you notice in written work?
8. *Sources*.—Do you use sources for any purpose—either as collateral reading or as material for written work? What do you consider the advantages and disadvantages of the method?
9. *Teachers*.—Are your teachers of history especially prepared for that work, as your teachers of languages or science are expected to be prepared?
10. *College requirements*.—What is your judgment of the recommendation of the New York conference of 1896 for a uniform entrance requirement? It is substantially as follows:
  - (a) Minimum time two years, three exercises a week (or one year, five exercises a week).
  - (b) A good text-book.
  - (c) Collateral reading.
  - (d) Written work (a notebook to be certified by the teacher).
  - (e) Presumably two subjects, as Greek and Roman, or English and American.

#### EXHIBITS.

The following courses of study are actually followed out. The first (A) is the course of an Eastern high school; the second, of a Western high school. They are offered here simply as exhibits, showing how practical teachers in the secondary schools have arranged their programmes so as to give time for long and continuous courses in history. The committee does not offer them as models to which the schools are asked to conform, but as suggestions that are valuable because now carried into operation.

## I. A.

	Classical.	Scientific.	Normal prepara- tory.	Literary.	Business.	Manual training.	Art.
First year.....	English I. Mathematics I. Latin I. History I.	English I. Mathematics I. Latin I or history I or German I. Physical geog- raphy I.	English I. Mathematics I. Latin I or French I or German I. Physical geog- raphy I.	English I. Mathematics I. man I or Latin I. History I.	English I. Mathematics I or Ger- man I or phys- ical geography I.	English I. Mathematics I. Drawing I and manual training I a or b. History I or phys- ical geography.	English I. Mathematics I. (Drawing I, clay modeling. History I.
Second year.....	English II. Mathematics II. Latin II. Greek I or French I or German I.	English II. Mathematics II. Latin II or history II or German II. Physics I.	English II. Mathematics II. Latin II or French II or German II. Physics I.	English II. Mathematics II. History II. French II or Ger- man II or Latin II.	English II. Mathematics II. French II or Ger- man II. Bookkeeping, com- mercial arith- metic I.	English II. Mathematics II. Physics I. Drawing II and manual training II a or b.	English II. Mathematics II. History II. Drawing II and wood carving.
Third year.....	Latin III. Greek II or French II or German II. Physics I or math- ematics III. History II or III or mathematics III.	English III or mathematics III. History I or III or physics II. Latin III or his- tory III. Mathematics III or French I or German I. Chemistry.	English III. History I Latin III or French III or German III. Chemistry.	English III. History III. Physics I or bi- ology I or I or French III or I or German III or I or Latin III.	Bookkeeping and commercial law II. French III or I or German III or I. Stenography. Geography. Typewriting or English III. History I, II, or III.	History I, II, or III. Mathematics III or history III. Chemistry I or English III. (Drawing III and manual training III a or b.	English III or mathematics III. Chemistry or French I or Ger- man I. History III. (Drawing III, clay modeling and wood carving.
Fourth year.....	Latin IV. Greek III or French III or German III. History IV. English III.	English III or mathematics III. History IV. Latin IV or math- ematics IV or French II or German II. Biology.	Latin IV or spe- cial drawing and music. Mathematics III or history III. History IV. Biology.	English IV. History IV. Chemistry I or biology I. French I or II or German I or II or Latin IV.	History IV. Stenography. typewriting. history and commercial geography. Elements of eco- nomics. French I or II or German I or II.	History IV. Mathematics III or English III or chemistry. Elements of eco- nomics. (Drawing IV and manual training IV a or b.	History IV. English III or IV or history of art. History of art or French II or Ger- man II. (Drawing IV, clay modeling, and wood carving.

History I is Ancient history to the death of Charlemagne. History II is European history from 814 to the nineteenth century. History III is English history. History IV is the history of the Government of the United States.

1900	1905	1910	1915	1920	1925
[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]
[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]	[Illegible text]

## THIRD YEAR.

*First term.*

Latin-German.	Latin.	German.	English.
English and American literature (5). Geometry (3), physics (2). Latin (5). German (5).	English and American literature (5). Geometry (3), physics (2). History (English) (5). Latin, Cæsar (5).	English and American literature (5). Geometry (3), physics (2). History (English) (5). German (5).	English and American literature (5). Geometry (3), physics (2). History (English) (5). Physiology (3), physics (2).

*Second term.*

English and American literature (5). Physics (5). Latin (5). German (5).	English and American literature (5). Physics (5). History (English) (5). Latin (5), Cicero.	English and American literature (5). Physics (5). History (English) (5). German (5).	English and American literature (5). Physics (5). History (English) (5). Geometry.
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## FOURTH YEAR.

*First term.*

United States history and civics (5). Geometry and higher arithmetic (5). Latin (5). German (3).	United States history and civics (5). Geometry and higher arithmetic (5). Latin (5), Virgil. English and English literature (5).	United States history and civics (5). Geometry and higher arithmetic (5). German (5). English and English literature (5).	United States history and civics (5). Geometry and higher arithmetic (5). Chemistry and summary (5). English and English literature (5).
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*Second term.*

United States history and civics (5). Geometry and higher arithmetic (5). Latin (5). German (3).	United States history and civics (5). Geometry and higher arithmetic (5). Latin, Virgil (5). English and English literature (5).	United States history and civics (5). Geometry and higher arithmetic (5). German (5). English and English literature (5).	United States history and civics (5). Geometry and higher arithmetic (5). Chemistry and summary (5). English and English literature (5).
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Numbers in parentheses designate the number of recitations per week. Ancient history is continued to 800 A. D. In the third year a few weeks are given to French history; the rest of the time to English. All the work in civil government is done in connection with the work in history.

## APPENDIX II.

### STUDY OF HISTORY BELOW THE SECONDARY SCHOOL.<sup>1</sup>

By LUCY M. SALMON.

The question of instruction in history in the grades below the high school is one that concerns the present condition of such instruction, and also one of an ideal condition toward which it may be possible to work. An inquiry<sup>2</sup> in regard to history in the public schools of the different States leads to the conclusion that the instruction at present given in this subject leaves much to be desired.

A superficial examination of the replies received shows that only one-half of the States have a uniform course in history, and that even in those States having such a course adherence to it is sometimes optional with the schools.<sup>3</sup> It is not possible to discuss here the advantages of uniform curricula within limited areas, but it may be noted that progress in education has invariably followed the adoption of such a uniform course, and that those nations that have uniformity to-day have, as a rule, the best systems of education. With two exceptions, the ten States of the Union that have no uniform course of instruction are among the most backward in America in all matters of public education.

The second noteworthy fact is the absence in nearly all of the States of a clear and definite understanding of the place

<sup>1</sup>This report was prepared by the writer while in Paris, and it has not received the benefit of criticism from the other members of the committee. The writer therefore desires to assume the personal responsibility of the recommendations included in it.

<sup>2</sup>The inquiry was addressed to the superintendents of public instruction, and the result was as follows:

States having a uniform course in history .....	22
States having such a course in preparation .....	4
States having no uniform course.....	19
Indefinite replies.....	4
No reply .....	3

45

<sup>3</sup>"No school in the Commonwealth (Massachusetts) is required to possess this course of study. I do not know of any school that adheres to it in all its details."—F. A. HILL, Secretary of the State board of education.

of history in the curriculum. History is generally taught "because everyone ought to know something of the history of his own country," yet no explanation is given for this assertion, and there is often no appreciation of the educational value of historical study. Any course of instruction leaves something to be desired if it does not show obvious reasons for its existence.

The corresponding noteworthy fact is that, if a definite reason for the study of history is presented, it is the factitious one of patriotism.<sup>1</sup> The idea that the chief object in teaching history is to teach patriotism is so thoroughly ingrained, not only in America but in other countries,<sup>2</sup> that it is extremely difficult to combat it. Yet it must be evident that the patriotism thus advocated is more or less a spurious one, a patriotism that would seek to present distorted ideas of the past with the idea of glorifying one country at the possible expense of truth. If the facts of the Franco-Prussian war should be used both in France and in Germany to inculcate this kind of patriotism, diametrically opposite results would be reached; if the American Revolution is to teach this patriotism both in England and in America, one nation or the other must be illogical; if the Northern and the Southern States of America should use the facts of the civil war to promote either a national or a sectional patriotism of this character, those facts would have to be perverted. That the ultimate object of history, as of all sciences, is the search for truth, and that that search entails the responsibility of abiding by the results when found, is yet to be learned by many of our teachers of history.

The present condition of instruction in history in the schools is open to criticism for another reason. The curriculum has in many cases not been the result of educational experience or a product of educational theory. This fact explains in large measure the prevailing desire to use history as a vehicle for teaching patriotism. It probably does not admit of question

<sup>1</sup> "Kindle the fires of patriotism and feed them constantly."—Nevada.

<sup>2</sup> Develop patriotism — Colorado.

The object "is to make our boys and girls true patriots."—North Carolina.

<sup>3</sup> In France, the question was asked of the candidates for the modern baccalaureate, July 1897, "What purpose does the teaching of history serve?" and 80 per cent answered, "to promote patriotism."—Langlois and Seignobos. *Introduction aux Études Historiques*, 288, 289.

The theories of the Emperor of Germany are well known, and it is perhaps inevitable, in view of the long struggle of Germany for nationality, that the teaching of history in Germany should be more or less colored by a desire to emphasize the progress the Empire has made in this direction.

that the curriculum of the public schools must and should be enacted by the State legislatures, but it is equally true that behind these legislatures should be organized bodies of competent advisers, to whose decisions on educational matters the State legislatures should give the weight of their authority rather than themselves assume the initiative.

Another result of the condition just mentioned is the tendency to attempt only the teaching of United States history. The makers of our programmes have encouraged the public to believe that the history of the United States is the only history worth studying, in that it is as a rule the only history prescribed; it is studied in the seventh grade from 1492 to 1789, and in the eighth grade from 1789 to the present. In at least eleven of the States the history of the State is also prescribed; and in only five does the curriculum contain any suggestion as to teaching the history of other countries. Their argument (in which much truth lies) is the double one of sentiment and of utility; of sentiment because we should keep an unbroken connection with our past; of utility because citizenship should be based on an intelligent understanding of past as well as of present political conditions. Yet there are grave objections to this exclusive study of the history of the United States. Such study must be, first of all, insufficient. It gives but a warped, narrow, circumscribed view of history; it is history detached from its natural foundation—European history; it is history suspended in mid-air; it is history that has no natural beginning apart from its connection with European history.

It is indeed difficult to decide where the history of America should begin—if with the period of discovery and exploration, then it is in reality European history; if with the period of colonization, then it is rather English history; if with the adoption of the Constitution, then it is the history of a youth after he has attained his majority, but whose past is in oblivion. If it is true that the history of England is the only history studied in the elementary and the higher grade board schools of England, it is also true that the history of England is so intimately connected with that of the Continent that some knowledge of general European history must of necessity be acquired through this study of a limited field. Yet it is also true that the teaching of history in England is far inferior to that in Germany and in France, and no small element in this inferiority is the limitation of the course to the history of England. If the instruction in history in France and in Germany



is confessedly superior to that given in other countries, it is in no small part due to the breadth of view gained through the careful study of the history of other nations. The social unit, the political unit, the ecclesiastical unit, is constantly enlarging, and the educational curriculum must widen its boundaries if it is to keep pace with the evolution in other directions.

But difficult as it is to find substantial reasons for the exclusive study of United States history as a whole, it is still more difficult to find them for the study of the history of the individual States. This history, prescribed by at least eleven of the State legislatures, is an evidence of misdirected patriotism and also probably a result of the pedagogical cry that swept the country a few years ago, "from the known to the unknown." But the demand for State history rests on no substantial basis either historical or pedagogical. Every State in the Union has artificial boundary lines determined by provincial grants or by legislative acts according to parallels of latitude and longitude, and to attempt to endow these artificially created States with the attributes of organic States is to distort historical truth. It is equally true that the demand that a study should proceed "from the known to the unknown," may involve a fallacy, that what lies nearest may sometimes be most obscure, and what is remote in time or place be most easily understood.

It must be understood that this criticism is not one of the study of American history, but of its exclusive study and of the reasons so often assigned for this study. Any study of American history must be worse than barren that demands the memorizing of a text-book, but that leaves a boy in ignorance as to what are the fundamental facts in American history; that insists upon detailed information in regard to the campaigns of the Revolutionary war, but that has implanted no notion of personal responsibility to the Government established through that war. In many States, where the foreign element is large, there is absolute ignorance of the nature of republican institutions. In others, where the native-born element predominates, there is often no appreciation either of the duties or of the privileges or of the opportunities of citizenship. History as taught in either of these classes of States is open to the same criticism as is historical instruction in the European schools, where the history of the past is taught without reference to the conditions of the present. These

grave faults must be avoided in American schools by the insistence at all times upon the fact that "good citizenship must be the religion of the common schools."<sup>1</sup>

Other defects in the study of history in the grades are apparent. The history of the United States is studied during the last two years of the grammar grade, when the boy or girl is from twelve to fourteen years old. This means that valuable time has been lost, that long before this age the interest of the child should have been awakened and held by the pictures of the past. Again, there is little evidence to show that history is united either with geography or literature. In several of the States history is not begun until geography is finished, and in others history is absolutely divorced from the instruction in English. Text books are used without collateral reading, and sometimes the subject is divided by administrations, sometimes by pages.<sup>2</sup> In one State, the work in history is given during the first three years in the form of stories, and the instructions published for the ensuing four years are to repeat the previous stories. In another State civics alternates with physiology. In apparently but four of the States has there been any consultation whatever with competent advisers in historical instruction regarding the course in history to be prescribed for the grades.

Examination, therefore, seems to show that the present condition of instruction in history in the grades below the high school is defective in that uniformity is so seldom found; that there is no definite, well-defined object in teaching history; that when an object is presented, it is generally the factitious one of patriotism; that as a rule the course is not prescribed by either experts in history or in education; that only United States history and State history are taught; that history is not studied in connection with other subjects in the curriculum; that a slavish use is too often made of the text book<sup>3</sup>; that

<sup>1</sup> Much of this work of inculcating right ideas of personal responsibility may be done incidentally in connection with other parts of the programme. Washington's Birthday, Lincoln's Birthday, Decoration Day, election day, general exercises, debating clubs, work in English, and a score of other occasions, present constant opportunity for giving incidental and yet serious information in regard to American affairs and for awakening an interest in them.

<sup>2</sup> In one State the text-book used during the eighth year is divided into ten parts of about thirty pages each, and one part is assigned for each month.

<sup>3</sup> In 1893, eighty-two schools in New Haven County, Conn., were asked: "Is the memoriter method used?" Thirty-seven schools answered "Yes," thirty-nine "No," and six, "In part." One teacher in another county was "not particular about the words of the text, if the pupils gave words as good."

a mechanical division of the subject matter by pages or by administrations is often adopted, and that all instruction in this subject is deferred until late in the course.

No criticism of existing institutions is justified unless it carries with it a recommendation of changes that will possibly bring improvement. In addition to the study that has been made of what is actually done in some of the best American schools, a careful study has been made of the programmes of the work in history in the schools of England, France, and Germany, and many of these schools have been personally visited. It is believed that the following scheme of work in history can not only be justified by appeal to educational theory, but that it can also be defended as practical, inasmuch as it is already carried out either wholly or in part in many schools.

GRADE III.—Stories from the Iliad, the Odyssey, the Æneid, the Sagas, the Niebelungen Lied; the stories of King Arthur, Roland, Hiawatha.

GRADE IV.—Biographies of characters prominent in history: *Greece*—Lycurgus, Solon, Darius, Miltiades, Leonidas, Pericles, Socrates, Alexander, Demosthenes, Plutarch; *Rome*—Romulus, Virginia, Horatius, Cincinnatus, Regulus, Hannibal, Cato, Pompey, Cæsar, Agricola; *Germany*—Arminius, Alaric, Charlemagne, Henry IV, Frederick Barbarossa, Gutenberg, Charles V, Luther, Frederick the Great, Bismarck; *France*—Clovis, Charlemagne, Louis IX, Joan of Arc, Bayard, Palissy, Francis I, Henry IV, Richelieu, Napoleon; *England*—Alfred, William I, Richard I, Warwick, Elizabeth, Sidney, Raleigh, Cromwell, Pitt, Clive, Nelson, Stephenson, Gladstone; *Southern Europe*—Mohammed, Francis of Assisi, Loyola, Prince Henry, Isabella, Columbus, Lorenzo de' Medici, Michel Angelo, Galileo, Garibaldi; *Northern Europe*—Robert Bruce, William of Orange, Henry Hudson, Gustavus Adolphus, Rembrandt, Peter the Great, Kossuth; *America*—John Smith, Miles Standish, William Penn, La Salle, Patrick Henry, Franklin, Washington, Daniel Boone, Lincoln, Lee.

These names are suggested, not as a final selection to be rigorously adopted, but as indicating one way of arousing interest and of conveying historical information at the age when ideas of time and place relations are only imperfectly developed, but when interest in individuals is keen and active. The list may be changed in toto, but the principle still be retained.

The plan for these two years (Grade III and Grade IV) implies that the object is to arouse interest; that the method used is to be wholly the oral one; that the stories are to be united with lessons given in language and in geography; that the selection of myths and stories should aim to give universal rather than particular notions, and that the teacher should have a sufficient acquaintance with history and literature to be able to decide wisely concerning the selection to be made.

*Grade V.*—Greek and Roman history to 800 A. D. circa.

*Grade VI.*—Mediæval and modern European history, from the close of the first period to the present time.

*Grade VII.*—English history.

*Grade VIII.*—American history.

The reasons for recommending the order of subjects to be taken up from Grade V through Grade VIII are the same as those given by the committee in the main body of the report and need not be repeated here.

The reasons for recommending the preliminary survey of European history before taking up the same period in the high school are that the underlying principle is similar to one that is in successful operation in Germany—educational principles discovered by one group of instructors and successfully put into practice by them can be adapted to meet the needs of other groups of instructors without the necessity of rediscovery; that it gives a good basis for high school work, since it follows the law “that one obtains knowledge by adding to ideas which he already has—new ideas organically related to the old;” that the substitution of a brief course in European history for a portion of the American history now taught will conduce to a better appreciation of the important facts in American history, and that as a result the pupil will have a better understanding of the history of America after one year of special study given to it than he now has after two years’ study without this preliminary acquaintance with European history; that it gives an outlook into the world of history and of literature to those who can not complete a high-school course, and thus gives them resources within themselves that must be of value in their future lives; that it would do something to make fruitful what is now too often a barren waste—the curriculum of the primary and the grammar grades; that its adoption would do something to raise the educational and professional qualifications of teachers, since the knowledge

required to carry it out would be more extensive than that demanded by the present curriculum; that through it something would be done to unify the subjects in the curriculum, which is now too often vague and formless; that since many schools in America now have a course similar to the one here advocated, it is a practical one.

The plan of work in history here presented is suggested, not as being absolutely ideal in itself, but as one that more nearly approximates that ideal than the one often found in the public schools; it is suggested with full realization of the fact that it probably can not be at once adopted in extenso by a single school; it is recommended because of the belief that it is better to have an ideal toward which to work than to remain content with unsatisfactory conditions.<sup>1</sup>

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<sup>1</sup>Lack of space prevents the elaboration of the principles suggested in this report. A more detailed presentation of them may be found in *History of Elementary Schools*, Educational Review, April, 1891; *Unity in College Entrance History*, Educational Review, September, 1896; *History in the German Gymnasias*, Appendix III, below.

### APPENDIX III.

#### HISTORY IN THE GERMAN GYMNASIA.<sup>1</sup>

By LUCY M. SALMON.

The paper is largely based on a personal visit extending over three months' time and including 32 gymnasia in 18 different places; in 23 of these gymnasia 70 classes in history were heard, having an aggregate attendance of about 1,500 boys. It was the plan to select places differing widely in conditions, from small provincial towns to large commercial and educational centers, and also those representing quite diverse political and religious interests. In some cases all the gymnasia in the city were visited; in some the work in every class in history was seen; in others the same class was seen in several successive lessons in history; the work of one class was visited in history and in other subjects, and also all of the classes in history taught by one instructor; the same instructor was heard in other subjects as well, and different sections of the same class taught by different instructors—every possible combination was made as regards town, school, instructor, and class. This has been supplemented by a careful study of the school laws and programmes of the twenty-six States making up the German Empire, including those of the twelve provinces that form the Kingdom of Prussia. Except for incurring the charge of generalizing from one particular, a visit to one school and the study of one programme would have sufficed. There are indeed variations in detail, but the fundamental principles in the arrangement of the work in history are the same—a uniformity that is especially noteworthy in view of the contrast it presents to our own system, or lack of system. The result of this study gives a composite photograph of the work in history in the schools for boys, which bears a striking likeness to each of the individual parts making up the photograph.

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<sup>1</sup> This paper, prepared for the committee, was read at the annual meeting of the American Historical Association held at Cleveland, Ohio, December 28-30, 1897, and afterwards printed in the 1897 Report and in the Educational Review.

The reign of Louis Philippe began without glory and ended without honor; but for one thing it is entitled to the grateful remembrance not alone of France, but of America as well. In 1831 M. Cousin, holding a government commission, visited the schools of Prussia, Saxony, and Frankfort, and on his return published those celebrated reports which for the first time made the German system of education familiar in France and subsequently in this country. From that time to the present our interest in German education has been a growing one.

It has, however, been naturally the German universities whose organization Americans have studied—the German schools have less often been visited, and their place in the educational system is less clearly seen. Just what this part is, however, must be briefly recalled in order to understand the place in the curriculum occupied by history.

The German gymnasium, whether the gymnasium proper with its course based on the classics and mathematics, the real gymnasium which omits Greek from its curriculum, or the oberrealschule which omits both Latin and Greek, the German school, whatever its variety, takes the boy when nine years old, and at eighteen sends him to the university, the higher technical schools, or into business life with a well-rounded symmetrical education.

This symmetrical education is made possible through the careful construction of the school curriculum. The curriculum is a sacred thing, not lightly formed or to be tampered with when made, for into it goes the best trained and most expert educational service that the State can command. The curriculum in every State is the same in the same class of schools, and the uniformity among the twenty-six different State systems is far greater than among the forty-five States of America. It may or it may not be due to the conscious influence of Herbart—in many places there is a positive disclaimer of all such influence—but, whatever the cause, the result is everywhere a curriculum that gives a compact, articulated, organic system in strong contrast to our own. The result may be in part attributed, in spite of disclaimers, to the influence of Herbart, and in part to the fact that the Germans, as individuals, are less prone than the Americans to fly off on tangents of their own, and consequently have a capacity for working together that shows itself as strongly in educational as in municipal affairs. The curriculum is a unit; it is com-

plete in itself, but it represents at the same time one stage in the development of the educational system. This fact must never be lost sight of, or the corresponding fact that the American programme of studies presents an absolute contrast to the German Lehrplan. The American programme is often regarded as a convenient vehicle for conveying the instruction desired by interested parties. Does a State legislature believe that the schools exist for the purpose of implanting patriotism, they are forthwith commanded to teach American history; if a group of business men believe that the schools should have a bread-and-butter aim, stenography and typewriting are made compulsory; if one branch of the church considers that the schools exist for the purpose of teaching religion, the study of the catechism is demanded; if an association deems that it is the first duty of the schools to inculcate the principles advocated by that association, it asks for the study of physiology with special reference to the injurious effects of alcoholic drinks. The American programme represents the idiosyncrasies of individuals, not the wisdom of the many. It must therefore be seen that the place occupied by history in the German gymnasia, unlike its place in the American schools, is given it because the most eminent educators of Germany have agreed upon the place it ought to have in the educational system.

What, then, are the characteristic features of history instruction in Germany, especially those that differ from instruction in history in America?

Dr. Holmes was wont to say that it was necessary to begin a boy's education with the education of his grandfather. In a similar way, any discussion of history in the German schools must begin with the German boy—a boy much like other boys, but living in a military atmosphere, where obedience is the first law of men, as order is heaven's first law elsewhere—a boy who, from his earliest recollections, is taught that every one obeys some one else—"Children obey their parents, the wife obeys her husband, the husband obeys the king, the king obeys God"—a boy who is taught respect for authority, but a boy who is also taught that self-control and self-knowledge are as much a part and an object of education as is the training of the mind. Until the boy is ready for the university—that is, until he is 18 or 19 years old—he is a minor; he is so regarded by his instructors and he so regards himself. He is



under a constant supervision that, to the American boy, would be intolerable; he is in the gymnasium to be taught, and it is not expected that before leaving the gymnasium he should express his personal opinion on any subject under consideration.<sup>1</sup> Instruction thus seems to be freed from some of the questions of discipline that accompany instruction here, and the instructor is unhampered by the apparent necessity of sacrificing legitimate drill to the immediate object of maintaining a specious interest.

The German instructor thus finds at hand a military system that is of help in the method of instruction, and he also finds a programme of studies arranged by expert educators and unaffected by political or religious considerations; a programme the keynote of which is concentration—concentration of work, concentration of thought, concentration of time.

The part, then, that history plays in the curriculum is not an independent one, but one correlated with other subjects. Yet the place that each subject has in this articulated system is clearly understood and defined. In historical instruction, according to the educational laws of Saxony, a knowledge of the epoch-making events in the history of the world, and of their mutual relation, origin, and development, is to be specially sought. The Prussian programme of 1882 states the object to be "to arouse in the pupils respect for the moral greatness of men and nations, to make them conscious of their own imperfect insight, and to give them the ability to read understandingly the greatest historical classics." This position Prussia has modified by the programme of 1892 into one involving special emphasis on the development of Prussia's greatness and the centering of the new national life about her; but her former position is the one rather held by the other German States. History is thus to be an organic part of the school curriculum, but it is also to have a distinct definite aim of its own. That aim is to be the placing of high ideals before the boy, the development of his moral character through the study of these ideals; it is to be a part of "liberal culture and is to serve as a means of intellectual training."

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<sup>1</sup> The director of one gymnasium said: "Our boys are not encouraged to speculate about what historians themselves do not know." Another remarked: "It is inconceivable that boys in the gymnasium should discuss political questions about which mature men disagree." I did not hear a boy asked his opinion on any subject in the class room, or a single boy ask a question; everything was apparently given and accepted on authority.

The work in history in the gymnasium itself must be considered under the two heads, subject-matter and method.

As regards subject matter, the nine years may be divided into three groups, the first group comprising the first two years, the second the following four years, and the third the last three years. During the first two years the boy, then nine or ten years old, is given the legends from classical and German mythology. The next four years form a second group. The boy during this period is from eleven to fourteen years old, and he begins a systematic study of Greek and Roman history, followed by a study of mediæval and modern history, often with special reference to the history of Germany. The last three, when the boy is from fifteen to eighteen years old, form the third group, and in this group he has a second course in classical, mediæval, and modern history.

This, then, gives us the three concentric circles of historical instruction of Germany. During the first circle of two years no attempt is made to give formal instruction in chronological sequence; the work is introductory to that of the subsequent course, and it is intended by it to bring before the imagination of the boy in a series of vivid pictures the deeds of great heroes, to fill his thoughts with them, and thus to lay the foundation for the later more connected historical instruction.<sup>1</sup>

This systematic instruction begins with the third year in the gymnasium, and during the remainder of his course the work in history and geography forms the two regular concentric circles. The object in the first of these is to give a connected account of the origin and development of the great events in the world's history, and especially of the relation of Germany to these events.<sup>2</sup> The work of the four years, therefore, begins at the beginning, and comprises a study for one year of Greek and Roman history, with the addition of the little necessarily pertaining to it from the history of the Oriental peoples. The next two years—that is, the boy's fourth and fifth years in school—are given to mediæval and early modern history; but mediæval history is treated as predominantly German, and the theory that the history of the Middle Ages is, in reality, a history of Germany is commonly accepted. With the close of the Middle Ages the point of view is changed somewhat, since

<sup>1</sup> Prussian Lehrplan, 1892, § 7.

<sup>2</sup> Die Schulordnung für die humanistischen Gymnasien im Königreich Bayern, 1891, § 14.

modern history can not be treated from the distinctively German standpoint, as can the previous period. But if modern history can not be treated as world history, it is, at least, always regarded and treated from the European standpoint.<sup>1</sup> Especially during the last of the four years is the material handled from the general European, not from the special German or Prussian, point of view.<sup>2</sup> During the second circle of systematic study, or the third circle, if the introductory work is considered, the boy, at the age of fifteen, begins "the second wandering through the broad field of history," but with the object of laying the foundations deeper, of giving a broader outlook, of understanding present conditions through their development in the past, of building upon the love of the fatherland that has been awakened in the earliest years a sense of personal responsibility to it, of inspiring high ideals and creating ethical standards.<sup>3</sup> Professor Jäger has well pointed out<sup>4</sup> that every age has its special favorite ideas and prevailing interests, and that these necessarily affect the historical instruction in the higher schools.<sup>5</sup> To-day such interest is social and economic, and it is, therefore, to be expected that social and economic questions shall be treated with a certain partiality, and this is especially seen during the second review of historical events.

What is the difference in the point of view in the three surveys of history? It may perhaps be said that in the first circle heroes, in the second, states—particularly the German state—in the third circle, the world, form the objective points. High ideals of action are the end sought in the first circle, a connected account of the great events in the world's history that of the second, a knowledge of the civilizing influences that have prevailed in the world's history that of the third. If the center of each circle is sometimes Germany, and if it is a part of the imperial theory that the radii of the circle should begin at the circumference and verge toward the center, it is

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<sup>1</sup> Oskar Jäger, *Geschichte*, 82-83.

<sup>2</sup> *Ibid.*, 49.

<sup>3</sup> *Das höhere Schulwesen im Königreiche Sachsen, 1889; Lehrpläne und Lehraufgaben für die höheren Schulen*. Berlin, 1892.

<sup>4</sup> *Geschichte*, 74.

<sup>5</sup> This is illustrated by the interest taken during the sixteenth and seventeenth centuries in dogmatic religious questions; at the close of the eighteenth century, in literary and æsthetic subjects; during the early part of the present century, the time of the predominance of the Hegelian philosophy, in the philosophy of history. The history of each period shows more or less clearly the prevailing interests of the age when it was written.

more often found in practice that the center forms only a starting point for the construction of the radii diverging to the circumference. Especially in German Switzerland is an appreciation found of the fact that it is unwise to distort history in order to magnify Switzerland or to foster an exaggerated patriotism. In Germany itself, while there is acquiescence in the imperial theory that the cultivation of the national spirit should be a special aim of historical instruction, there is also a recognition of the fact, as Professor Russell has pointed out, that the theory is pedagogically shortsighted, "that patriotism should be more than mere enthusiasm, more enduring than the frothy exuberance of spirits that arises from the contemplation of great deeds; that love of country and of king depends upon a firm and unchangeable character."<sup>1</sup> If Sedan day is observed as an event marking a victory over a rival power, rather than as a day that means the unification of Germany, it is because that event is, as yet, necessarily regarded at short range; if the day is universally celebrated throughout the German schools, it is because the consciousness is yet strong that it was the Prussian schoolmaster that won Alsace and Lorraine. That exalted patriotism that calls the whole world akin does not immediately follow a triumphant national victory, but Germany will soon look at those events of German history that concern her immediate present in their true perspective.

What has the boy gained as a result of this threefold division of subject-matter into concentric circles?

Compulsory education keeps him in school until he is 14 years old—that is, until he has completed the introductory work and the first circle of systematic study of history. If circumstances then compel him to leave the gymnasium, as 40 per cent of the German boys are obliged to do,<sup>2</sup> he has in hand such an outline of the great events in the world's history as ought to save him from premature or hasty judgments. But if he completes the gymnasial course he has gained not only this, but he has learned something of the deeper meaning of history. He has a knowledge of the art and literature of Greece that has rounded out his partial knowledge of these subjects gained through the Greek classics he has read; he understands the organization of the government of the Romans

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<sup>1</sup> History and Geography in the Higher Schools of Germany, *The School Review*, May, 1897.

<sup>2</sup> *The School Review*, October, 1897.

and what has been contributed to the civilization of the world by that eminently practical people; the Middle Ages are not to him dark ages, for he understands the place in that period occupied by the Holy Roman Empire; modern history means to him not the unrelated history of Germany alone, but it means the study of new conditions made possible through the discovery of America and the industrial development of the fifteenth and sixteenth centuries; he compares the centralization of power under Louis XIV with the low, inorganic form of political life in Germany during the corresponding period, and learns the odds against which Germany has struggled in reaching her present position. He has, from the time he was 9 years old, had constantly put before him for nine years these developments, and has been made to realize "that mankind is an ethical whole." The method has been called one of concentric circles, but is rather one of an ever-ascending spiral, from the apex of which an outlook over the past is obtained. To change the figure, the three surveys are the three readings through which any legislative measure must pass before it becomes an act accomplished. As the three readings have given ample time for discussion, for sifting essentials from nonessentials, for presenting all possible arguments for and against a proposed measure, so the three surveys must leave in the boy's mind a residuum of all that is best in the world's history, and this residuum becomes his abiding possession.

The question naturally arises as to how far, in the selection of the subject-matter, the psychological condition of the boy is considered, and how far both matter and treatment are adapted to this condition. It must have been inferred, from what has already been said, that this psychological condition has not only never been lost sight of, but that it has been made the basis of arrangement at every step of the way. "The primary condition of historical perception is the readiness to think or to feel the past as present," says Professor Jäger.<sup>1</sup> This ability to feel the past, the development of the historical imagination, is the object of the instruction in the first part of the course. During the second division of the course, "the instruction as a whole," says Professor Jäger, "must give the boy forceful suggestions, strong impulses; must work from different sides for the one end of giving a check and a counterpoise to the distracting, self-willed, and disintegrating tendencies that beset this time of life."<sup>2</sup> With the broadening

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<sup>1</sup> *Geschichte*, 9.<sup>2</sup> *Ibid.*, 28.

out of the boy's sympathies and interests, he is brought, during the latter part of his course, face to face with those complex questions of present interest for the consideration of which there is needed a mind stored with knowledge, and the boy learns "a respect for knowledge for the knowledge's own sake."<sup>1</sup>

The importance that is attached to historical instruction is evident not only from the care with which the course of study is planned, but from the time allotted to it. This is an average of three hours per week, including the time given geography, during the entire nine years' course, a total of twenty-seven hours during the course, or one-ninth of the entire time throughout the course is given to these subjects.<sup>2</sup>

But it must not be inferred that the historical instruction the boy receives is confined to the three hours per week of formal instruction in this line. Extreme specialization has no place in a German gymnasium. Instead of each person imagining that he has preempted a portion, large or small, of the field of knowledge, and keeping jealous watch lest someone else trespass on his preserves, each instructor seeks to bind his subject with every other. In the hours allotted to religion the boys read from the Greek New Testament; and Oriental history, as well as church history, is taught, though these are in the history classes proper. Herodotus and Livy are not regarded

<sup>1</sup> *Ibid.*, 67.

<sup>2</sup> The following list will indicate the amount of time allotted to history in the different gymnasia—

Altenburg, Friedrichs-Gymnasium .....	27
Berlin, Königstädtisches Gymnasium .....	26
Bonn, Oberrealschule .....	32
Bremen, Gymnasium .....	34
Brunswick, Gymnasium Martino-Katharineum .....	26
Frankfurt, Goethe Gymnasium .....	30
Freiburg, Oberrealschule .....	27
Hanburg, Gelehrtenschule des Johanneums .....	28
Heidelberg, Gymnasium .....	24
Jena, Gymnasium Caroli-Alexandrinum .....	28
Laudesbut, Realgymnasium .....	21
Leipzig, Nicolai-Gymnasium .....	30
Magdeburg, Guericke-Oberrealschule .....	30
Munich, Königliches Maximilians Gymnasium .....	25
Neu-Strelitz, Gymnasium Carolinum .....	25
Oldenburg, Grossherzogliches Gymnasium .....	27
Rudolstadt, Fürstliches Gymnasium .....	26
Strassburg, Protestantisches Gymnasium .....	25
Stuttgart, Eberhard-Ludwigs-Gymnasium .....	25
Weimar, Wilhelm-Ernstisches Gymnasium .....	28

It is thus seen that while the general average is 27 hours, 11 gymnasia have 27 or more hours, while only 9 have less.

as mere vehicles for teaching Greek and Latin construction, but are taught as Greek and Roman history, and much of English and French history is taught through these languages.

But even this correlation of history with every other subject is not all. One may study the programmes and visit classes, and yet not understand or see clearly all of the influences at work that make for history. Maps, charts, collections of pictures freely used; busts of all the authors read in the school; quotations from great men inscribed on the walls of class rooms; the memorizing of historical poems and passages from historical dramas; the observance of national and historic holidays; most of all, frequent excursions to points of historical interest—all this is history, all these are influences that make history unconsciously grow into the boy and become a part of his very self. History is developed in him, he is developed through it.

The subject of method of instruction must not be omitted, although it will demand but a brief consideration.

The method is in essence the same throughout the course. In the first part it is story-telling, pure and simple; in the second part it is pure narration; in the third part it becomes more formal and resembles somewhat a college lecture. During the first of the hour the class is questioned on what has been narrated during the previous lesson; then comes the narration of fresh material, and, with the younger boys, the hour is closed with questions on what has just been narrated. The theory is that the boy learns best from the living voice, that thus his interest is aroused and maintained, and that history in this way becomes to him a living, life giving presence. The work of the teacher is supplemented by the use of a text-book (Leitfaden), but this contains only the barest outline of the events and is in no sense a text-book in the American usage of the term. The instructor can not expect that the boy will spend more than fifteen or twenty minutes in preparation of his history work, and therefore he is practically restricted to the use of the narrative method. It is the German theory that an excessive amount of outside study should not be demanded or given; that it is best for the boys to get as much education from each other as possible; that, since one plans to become a lawyer, another a physician, a third a business man, and a fourth a teacher, each should talk over with the other his plans for the future, and thus become educated in ways not reached by the school.

The narrative method does not lend itself easily, especially in the higher grades, to securing some of the best results that are secured in the best American schools. It must seem to Americans to fail in developing the power of independent judgment, and to afford no opportunity for the exercise of that faculty known in the child as curiosity and in the man as research. The boy absorbs and assimilates, but the creative faculty lies dormant. That this should be so, however, is a part of the German theory of education. But the German method does secure certain admirable ends. On the positive side it results in concentration of attention, alertness of mind, quickness of apprehension, and an enviable ability to grasp the salient features of a subject considered as a whole. The double and triple course gives constant opportunity for comparison, especially during the last survey, and this basis for comparison and the constant advantage taken of it are one of the most valuable parts of the method. On its negative side the German method has the advantage that it leaves little room for crudity of opinion or for generalizations from insufficient data.

The study of history in the German gymnasia thus shows seven distinctive features: First, the entire field of history is covered in three distinct surveys; second, the work in history is correlated with every other subject in the curriculum and in a sense becomes its unifying force; third, ample time is given for its consideration, and it receives the same serious treatment as do other subjects in the course; fourth, the division of material and the method of treatment are based on the boy's psychological development; fifth, the narrative method of instruction gives the boy a vivid impression of reality of the past; sixth, the course is complete in itself, and at the same time it forms an ideal preparation for university work; seventh, every teacher of history is an absolute master of the subject taught.

What are the lessons to be learned by Americans from this examination of historical instruction in the German gymnasia?

The first great lesson we should all do well to heed is this: That the course in history serves the double purpose of being complete in itself and of being an ideal preparation for university work.

The course is complete in itself; because, if the boy does not go beyond the gymnasium, or if he leaves at the end of the



sixth year in school, he has gained a wide outlook into the future because of this thorough study of the past; he has gained a proper historical perspective and he has learned that "hinter dem Gebirge sind auch Leute." He has resources within himself that must contribute not only to the upbuilding of his own character, but that must redound to the advantage of the community in which his lot is cast. How great an advantage this broad outlook is can be seen by comparing the course in history in the gymnasia with that of the normal schools, where only German history is taught. One can but feel that the young men who are to be the teachers in the volksschule are losing much, that the volksschule are losing much through them, when the historical horizon is bounded by Germany. Such minds must, in middle life, be stunted and dwarfed because in early years they have lacked that mental and spiritual inspiration that the study of the largest life must give. Equally stunted and dwarfed must be the minds of our own American boys and girls when they leave school at the end of the grammar grade with a knowledge, insufficient at best, of only American history. It must indeed be said that he who knows only American history does not at all know that history. "The profounder our study of ourselves," says Professor Sloane, "the stronger will grow our conviction of the organic relation between our own history and that of the world."<sup>1</sup> American history is in the air—a balloon sailing in midheaven—unless it is anchored fast to European history. It is no more true to say that American history begins in 1492 than it is true to say that a man's life begins when he goes into business for himself. English history does not begin with the reign of William III, or French history with the Third Republic, or German history with the establishment of the present Empire. A new stage of development in each country is marked by these events, and the development of Europe on the New World soil is but a corresponding one. America, like Europe, is the heir of all the ages, and the American boy has the right to enter into his inheritance. The great demand in industrial life to-day is for such a change in methods of work as will have regard to the effects of work on the laborer rather than the results on the product. To the attainment of this end the work of William Morris and of John Ruskin has been directed, and to the attainment of a similar end must the work of educators tend.

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<sup>1</sup> History and Democracy, American Historical Review, I, 22.

How disastrous this restricted view of the past may be on our political, industrial, and educational growth is easily imagined when it is recalled that it was estimated, in 1886, that 80 per cent of the pupils in the public schools never reach the high school.<sup>1</sup> Of those who pass through the high school but a small proportion enter college. But it is not only possible, it is more than probable, that even this small percentage who go through the high school, or through college, will complete their school or college life knowing nothing of historical conditions or developments. A man with this lack of preparation may enter Congress and legislate on financial matters in absolute ignorance of the history of finance; he legislates on labor questions with no knowledge of the agrarian difficulties of Rome, the peasants' rebellions of the Middle Ages, or the national workshops of Louis Blanc. He legislates gold-standard educators out of office at the West, and silver advocates out of office in the East, not knowing that for four hundred years Luther and the Wartburg have stood for independence of judgment and the search for truth. Not only is he lacking in the actual knowledge that history affords, but he lacks still more that mental training that history gives in analysis, comparison, classification; in holding the judgment in suspense until all sides of a question have been presented. The German boy is given both a body of facts and a mental training that ought to keep him from superficial judgments or hasty conclusions.

But the special object of the German gymnasial course is to prepare for the university.<sup>2</sup> And here, in the case of the boy who enters the university, as in the case of the boy who does not, the German arrangement of historical work seems superior to our own. The university knows precisely what work in history has been done, and therefore it can assume this admirable preparation and shape its advanced courses accordingly. But the American university or college makes its entrance requirement in history in deference to the antiquated idea that preparation in history should be the one that will most assist the study of Latin and Greek, and that every boy should know something of the history of his own country. The boy therefore studies American history in the grammar

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<sup>1</sup> F. N. Thorpe, *The Study of History in American Colleges*, 232, 233.

<sup>2</sup> "If one seeks to set forth in a word the real specific purpose of gymnasial training, it is clearly to prepare for the university."—Oskar Jäger, *Geschichte*, 4.

grades, and Greek and Roman history in the high school—an arrangement of studies radically wrong, because false chronologically and false in principle. On such a basis it is impossible to build up a systematic course of history in the college or the university without doing in the college a part of the work that should have been done before entrance. “The larger universities,” says Professor Sloane, in speaking of American institutions, “have an imposing array of historical chairs, but they do not demand as a condition of entrance to their lecture rooms a thorough knowledge of general history.”<sup>1</sup> College students everywhere must feel the irrelevancy as well as the inadequacy of their work in history before entering college, when considered as a preparation for that college work.

This conclusion must follow: The work in history in American schools will never be on a rational basis until, as in Germany, it recognizes the double purpose that history in these schools is to serve; until it is so organized as to give the boy or girl who does not go to college a well-rounded conception of the epoch-making events in the world's history; until it plans its college entrance requirements in history with reference to the college work in history; until it makes the course of history in the schools identical for those who do, and for those who do not, go to college; until it correlates the work done in history with the work of every other subject in the school curriculum.

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<sup>1</sup>History and democracy, *American Historical Review*, I, 18.

## APPENDIX IV.

### HISTORY IN FRENCH LYCÉES.<sup>1</sup>

By CHARLES H. HASKINS.

In France, as elsewhere, history is a comparatively recent addition to the subjects of the secondary curriculum. Long taught simply as an unimportant adjunct of the ancient languages, it is only in the course of the present century, and largely for the purpose of stimulating patriotism, that it has gained the right to an independent place in secondary schools. The desire to develop patriotic emotion by familiarity with the nation's past still occupies in France, as in Germany, an important place in the minds of secondary teachers; but a broader conception of the aims of historical study has spread in recent years and found its expression in the official instructions issued in connection with the course of study. History, they declare, contributes to the education of the mind by exercising the memory, developing the imagination, and training the judgment. It contributes to moral education by cultivating the love of truth and preparing youth for their civic duties. "To give the pupil an exact idea of the successive civilizations of the world and definite knowledge of the formation and growth of France; to show him the action of the world on our country and of our country on the world; to teach him to render to all peoples their just dues, to widen the horizon

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<sup>1</sup>The following report does not profess to represent the results of a detailed examination of a considerable number of schools. The information upon which it is based has been gathered in the course of two visits to France, partly from official programmes and other printed sources, partly from observation of classes in lycées and courses for the training of teachers, and partly from conversation with French professors who possess special familiarity with the conditions in secondary schools. I regret that the number of classes visited was not larger; but there is great uniformity of system and administration in French education, and I am informed by competent authority that wider observation would not have materially modified the account here given.

The official programmes and instructions are published by Delalain at Paris. The brief appendix on "The secondary teaching of history in France" in the Introduction to the Study of History by Langlois and Seignobos is excellent, and many of the suggestions will be found valuable outside of France as well. Altamira's discussion of history in secondary schools in his *Enseñanza de la Historia* (chapters 8 and 9) has much to say of France.

of his mind, and finally to leave him in possession, not only of an understanding of the present condition of his country and of the world, but also of a clear notion of his duties as a Frenchman and as a man—such is the function of history in education."<sup>1</sup>

The French system of public secondary instruction comprises two types of schools—the lycées, schools maintained and directed by the central government, of which there are now about 100 distributed throughout France; and the collèges, local high schools, which receive some assistance from the general treasury, and are usually less completely equipped than the lycées. For the purposes of the present report, however, the two institutions may be classed together, as the programme of studies is the same in both. The regular course of the lycée covers ten years, but as the studies of the first three years are identical with those of the elementary schools, the pupil does not enter the lycée proper until he arrives at the class of the sixième, where he begins Latin if a classical student, or German if he be a "modern." This stage is ordinarily reached at the age of 11, so that the boy who spends seven years in the lycée will complete the course and present himself for his bachelor's examination at 18. To state the matter in American terms, the French boy spends in the lycée the period that the American boy spends in the high school, plus the last year or two years of the grammar grade and the first year or two of college, but he reaches the close of his lycée course about two years earlier than the American youth comes to the corresponding point in his education.<sup>2</sup>

Throughout the whole course of the lycée, as well as in the three preliminary years, an hour and a half a week is devoted to history and an hour to the related subject of geography, except in the last year, where from two to four hours are

<sup>1</sup> Lavissee, *A propos de nos écoles*, 81; instructions concernant l'enseignement secondaire classique, xlviil-1. The portion of these instructions which relates to history was prepared by Lavissee, and may be found, somewhat abridged, in his *A propos de nos écoles*, 77-107.

<sup>2</sup> In what is said above, and in this account generally, the institutions for boys are taken as the type. The secondary schools for girls have a course of five years, divided into two "periods," and history has an allotment of two hours a week throughout. In the first period, for pupils between 12 and 15, the programme covers the history of France, with "summary notions of general history." In the second period a survey of the history of civilization is given. While in general the same methods of instruction prevail in both classes of schools, their application to girls' schools is necessarily conditioned by the more general character of the course in history and the absence of classical studies from the curriculum.

given to history. The total number of hours varies from fifteen to twenty-two, according to year and course, decreasing in the later years of the classical course, but remaining undiminished in the modern, so that the proportion of time devoted to history, which is but  $7\frac{1}{2}$  per cent in the lower years, rises to twenty or even more in the last year. The total number of hours of history for the entire ten years is sixteen and one-half for classical and literary and thirteen and one-half for scientific students. In the elementary classes the historical instruction is necessarily of an informal character, and consists of biographical narration in the first year, followed by a two years' survey of the history of France studied biographically. Then with the grammar division of the lyc $\acute{e}$ e begins the systematic and continuous study of the world's history. Three years are devoted to the history of the Orient, Greece, and Rome, and the remaining four years are occupied with the history of mediæval and modern Europe, studied with special reference to France and divided into the following yearly blocks: 375 to 1270, 1270 to 1610, 1610 to 1789, and 1789 to the present. This is the programme for classical students. For the "modern" course, which is one year shorter, Oriental and Greek history are combined in one year, and in the last year additional instruction is offered in the general history of art and civilization and in the elements of civil government and political economy.

The most important feature of this programme is that it affords a comprehensive survey of the world's history in its chronological development from the earliest period down to the present. In contrast to the two "concentric circles" of the German gymnasium the pupil is taken over the field but once, so that a fuller treatment is possible in any one year; but the thorough review of the German system is lost, much to the detriment of the subjects studied early in the course. In other respects the general distribution of time is much the same as in the Prussian programme, except that in the one case it is France, in the other Germany and Prussia, that forms the center of study in mediæval and modern times. The existing arrangement seems on the whole to be popular in France, though some prefer the German "circles," and others demand for history, at some stage in the course, the preponderant place that rhetoric and philosophy now have in the last two years, urging that in no other way can the disciplinary

value of history be realized, as a counterpoise to the formal studies of language and mathematics, and the only study which, by dealing with concrete social facts, brings the pupil into proper relations with his civic environment.

Besides prescribing the general character of the course in history, the official programme contains an outline of the topics to be studied in each class, accompanied by brief suggestions as to the mode of treatment. The plan of each year's work is drawn up with considerable care, but it is designed to serve as a guide to the teacher rather than narrowly to control him.

While there has been a noticeable improvement in the course of study in history since the middle of the century, the methods of instruction are still largely tinged with the spirit of formalism and routine inherited from the Second Empire. The lycée is still a semi-military institution, which has much of the appearance of barracks, and calls its pupils to class by the beating of a drum; and while professors are now free to dress and wear their beards as they choose, they have not all grasped the full consequences of the idea that the pupil is to be trained as a citizen and not as a subject. Indeed, pedagogical problems in general have received comparatively slight attention in France, and questions of what to teach and how to teach in history have been very little considered. A common practice is to dictate a brief summary of the hour's work, expand this into a lecture while the pupils take notes, and question them at the beginning of the next hour on the lecture and some pages of the text-book. The professor speaks from a raised platform, and the small blackboard is reserved for his personal use only. The scholars usually show interest, and they may be even required to prepare supplementary papers, but their attitude is largely passive, and the system lacks the advantages of the steady German drill on hard facts or the freer use of material characteristic of good American teaching. These conditions are, however, beginning to pass away as the professors who have grown old under the dictation system give place to younger men. It is coming to be realized that the pupil should get his fundamental facts from a text rather than from the instructor's lecture, and that the time spent in the class-room need not be wholly given up to the alternate repetition of statements by teacher and pupil. In addition to the text-book, classes may now have at their disposal excellent

illustrative matter, such as is contained in the Albums historiques of the Middle Ages, edited by Parmentier, and the Lectures Historiques<sup>1</sup> designed for supplementary reading. In one way and another fresh life is being infused into the study of history, and in some schools remarkable results have already been attained in securing the pupils' active participation in the work.<sup>2</sup>

The professors of history and geography in lycées—the subjects are usually combined—are appointed on the basis of a competitive examination. After having taken his baccalauréate degree the candidate must continue his work for two years, studying Latin, Greek, and French, as well as his specialty, until he receives the licence. Then comes a further year spent largely in the writing of a thesis, followed by a year's strenuous preparation for the final test, the agrégation, for which the competition is very keen. As the examination bears upon the candidate's ability to present a subject before classes, as well as upon his knowledge of history and geography, the preliminary courses include not only lectures and seminaries, but numerous practical exercises in teaching, under the supervision and criticism of professors and fellow-students. The necessary preparation of a teacher of history accordingly consists of a substantial classical education as a foundation and a period of special study of at least four years spent at one of the universities or at the Ecole Normale Supérieure, the whole tested by a rigid examination.

Such, in brief outline, are the general features of historical instruction in the secondary schools of France. The French have realized the importance of history as an essential element in the secondary curriculum, they have made provision for its systematic and continuous study throughout the whole of the school course, and they have established a system which assures the selection of well-trained teachers. In these respects we can profit by their example; but at present we have

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<sup>1</sup> These are published by Hachette. The three volumes for the ancient period consist of an interesting series of sketches of Egyptian and Assyrian life from the competent hand of Maspero, and excellent accounts of the public and private life of the Greeks and Romans by Guiraud. The latter volumes are made up of well-chosen selections from modern historians, grouped according to the programme. The extracts from sources contained in the earlier editions have now been omitted, as they did not seem adapted to this stage of the pupil's development.

<sup>2</sup> See in the *Revue Universitaire*, June 15, 1896, the examples printed by Seignobos of written work done in a small college in the west of France, and notably the careful and intelligent comparisons of various ancient and modern institutions.



little to learn from their methods of instruction beyond the suggestions that may be derived from their clear and well-ordered text-books<sup>1</sup> and from the arrangement of topics in the programme, which Matthew Arnold declared no educated man could read "without profit—without being reminded of gaps in his knowledge and stimulated to fill them."<sup>2</sup> We must, however, remember that it is only in recent years that historical studies even in the universities have been placed upon a substantial basis in France, so that it is too soon to expect the best results in secondary teaching. Already there are indications that as the possibilities of historical instruction become more generally recognized and the improvements in higher education make themselves more widely felt in the schools, it may be well worth the while of American teachers to watch the progress of historical studies in France; for in spite of all the differences in conditions in the two countries the fundamental problem of the secondary teacher of history is the same in France as in America, namely, how to make the study of history tell most effectively for the general culture and the civic training of the future citizens of a great democracy. In solving this problem we shall need all the experience of both sides of the Atlantic.

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<sup>1</sup> The *Précis de l'histoire moderne* of Michelet, once so popular, has gone out of use, and the famous school histories of Duruy are passing. A scholarly series is appearing under the editorship of Monod; the volume by Bémont and Monod on the Middle Ages is excellent, though somewhat beyond the grasp of the boys of 14 for whom it was written. The text-books of Seignobos on the Orient, Greece, and Rome, published by Colin, are very suggestive, and deserve to be better known in America; see particularly the *Suppléments à l'usage des professeurs*, issued in connection with the volumes on the Orient and Greece.

<sup>2</sup> A French Eton and Schools and Universities in France (edition of 1892), 375.

## APPENDIX V.

### HISTORY IN ENGLISH SECONDARY SCHOOLS.

By GEORGE L. FOX.

The well-known chaotic character of the English system of education makes it difficult to give a satisfactory account of the scope and methods of teaching history in English secondary schools. There is great lack of system and of uniformity of method. In France and Germany, order and symmetry prevail in the educational system, as it is controlled and determined by the State. A reasonable uniformity therefore results, and whatever assertions can be safely made about a few representative schools are likely to be true of most of the schools. In England, on the contrary, the secondary schools are almost entirely under private control, and are generally free from State supervision. Indeed, the secondary school supported wholly or partly by public taxation and under the control of the State and local governments, like the high school in the United States or the lycée in France or the gymnasium in Germany, does not exist in Great Britain, although some secondary-school subjects are taught in the higher grade board schools and the evening continuation schools.

When English secondary schools are discussed in this report, the expression is to be understood as referring chiefly to the so-called public schools of England, of which Winchester, Eton, Harrow, and Rugby are the familiar type. These institutions are, in most cases, endowed schools, controlled by a board of governors, in which the course of study and the methods of teaching are determined by the head master. The pupils, when they enter these schools, are usually between 12 and 16 years of age, and they have received their previous education either from private tutors, in local grammar schools, or, more commonly, in small boarding schools, scattered over England, called preparatory schools, which are private venture schools—that is, are owned by private individuals. In these schools they have usually studied the elementary English history and, to some degree, Greek and Roman history in the same way.

There is another reason, also, why it is not easy to give an exact account of the teaching of history in the English secondary schools. That is, because of the difficulty which the visitor has in seeing the teacher actually at work in his class room. The visitor to French or German schools, if he has the proper authorization from the State authority, finds at once ready entrance to every class-room. But no such "open sesame" makes easy the pathway of the visitor to the English secondary schools. There seems to be an unwritten law that an English master's form room is his castle, and it is not an easy thing to see the actual work of teaching. The writer of this report saw less than a dozen recitations in history in English schools, and the statements which are made are based on such limited inspection, the perusal of courses of study and examination papers, and on conversation with different teachers of history. While the course of study and methods are largely determined by the head master, he is limited in his decisions by the requirements of the higher educational institutions, for which most of the pupils are preparing. The English public school is commonly divided into two departments—the classical side and the modern side—which correspond, roughly, to the classical and scientific courses in our schools. The ultimate aim of the boy on the classical side is entrance to the universities of Oxford or Cambridge. The goal of the boy on the modern side can not be so definitely stated, but it is either business life, the engineering and scientific professions, or the army colleges. This last class, who intend to be officers in the army, are a considerable proportion in the boys on the modern side, and their needs are especially recognized by a subdivision in the later years of this course called "the army class." The limitations which are likely to govern the course of study of the army class are the requirements imposed by the Government for admission to the military colleges of Woolwich and Sandhurst, one of which educates officers for the artillery and engineering, the other for the infantry and cavalry branches of the service. Among these requirements English history only finds a place as an optional subject, for which the maximum allowance is 2,000 marks in a total of 14,000.

While in the secondary schools of England the State has no direct influence in determining the course of study, the influence of the universities in this respect is most important

and effective. This influence is most directly exerted through what is known as the Oxford and Cambridge schools examination board, which is made up of representatives of both universities. This board conducts examinations at the close of the school year at most of the leading schools in England and issues certificates of proficiency to those who have successfully passed the examinations. These higher certificates give exemption, under certain conditions, from the earlier examinations in the university course, known as "Smalls" at Oxford and "The Little-go" at Cambridge. The subjects of the examination are classified in four groups: (1) A language group, including four subjects—Greek, Latin, French, German; (2) a mathematics group, divided into two subjects; (3) an English group, divided into scripture knowledge, English, and history, and (4) a science group, divided into six subjects.

A candidate is usually required to pass in four subjects in not less than three groups. If he offers history, he may choose between Greek, Roman, and English history. The whole field of each country's history is not necessarily included. Often a period covering less than three centuries is prescribed, together with a special knowledge of a smaller period included within it. In 1897 the general period in Greek history was to 323 B. C., while the special period extended from 403 B. C. to 362 B. C. In Roman history the general period was from 72 B. C. to 180 A. D., while special knowledge was required of the period from 14 A. D. to 96 A. D. In English history the examination covered from 1485 to 1660, with a special knowledge of the period from 1555 to 1603. These specific instructions as to periods to be studied are changed every two or three years, but seldom is a period of English history prescribed later than 1815. The two points to be noted in these requirements are, first, that the shorter period for study is included in the longer period, and, second, that in each subject the examination covers only a portion of the nation's history.

The colleges at both the universities of Oxford and Cambridge also endeavor to strengthen the instruction of history at the schools by establishing history scholarships, which yield from \$250 to \$400 a year to the successful candidates. These scholarships are either offered by single colleges or by two or three colleges combined. As is well known, this is a method characteristic of the English universities for promoting interest in any branch of learning, and serves to introduce into the

schools a tendency to have a promising pupil in the upper classes specialize upon some subject for which he has a strong bent. The two most prominent of the Oxford colleges in awarding history scholarship are Balliol and New College who hold the same examination for the award of history scholarship.

The examination for this purpose held on November 16 1897, consisted of (1) an essay written in the examination on some historical subject; (2) two language papers showing candidate's knowledge of Latin, Greek, French, or German; (3) a general paper; (4) two papers either in ancient history or in mediæval history (including English history), or in the history of the sixteenth, seventeenth, and eighteenth centuries (including English history), at the option of the candidate. The regulations prescribed that the knowledge required for the general paper could be obtained from such books as the following: Guizot's *Civilization in Europe*, Hallam's *Middle Ages* (chapter IX), Bagehot's *English Constitution*, Maine's *Ancient Law*, Macaulay's *Essays*, and Walker's *Political Economy*. These books, naturally, a successful candidate would be expected to have read thoroughly, although one of the Balliol examiners told me that it was not wholly acquaintance with books but signs of promise shown by the candidate that determined the award. Most stress is laid upon the essay and general papers, which test natural ability. It should be said that these scholarships at Oxford are open to all candidates who have not been in residence more than eight terms, or two years; so that a candidate fresh from a public school may compete for a scholarship with students who have been for more than a year at the university. But still a few boys in the highest forms of the best schools will usually be found in training for these scholarships. They will receive especial attention in history work from one of the masters, will be excused from some other subjects in order to give time to collateral reading, in which they are tested from time to time by the special master.

The certificate examination and the scholarship examination illustrate the two classes of pupils whose wants are considered in the colleges and schools of England, viz, the average pupil and the pupil of unusual ability in any direction. Because of this distinction there exist, side by side, at the universities, the pass and the honor examinations. Of course the needs of the latter class are not considered except in the higher forms

of the school, but there they are very distinctly considered. Small classes of able pupils receive special instruction to fit them for the scholarship contests in different subjects. The eagerness to win these scholarships and thus to gain distinction forms a powerful incentive to earnest and wide reading in history, although, in the opinion of some critics, the scholarship system is one of the baneful features of English education. These two classes of pupils must be borne in mind in considering the teaching of history in English schools.

With regard to the field of history that is covered in the schools, the course of study in most schools includes, on the classical side at least, Greek history, Roman history, and English history. In most cases the pupils will give at least one hour a week to history throughout the course, from the age of 12 to 19. A boy who has passed through all the forms of the secondary school will very likely have taken up these subjects twice, first in an elementary way with a brief text-book, such as Gardiner's *Outlines of English History* or Ransome's smaller book; then, at a later stage of the course, comes a more thorough treatment of the subject, with a more extensive text-book and possibly collateral reading.

Of course the chief object of the elementary course should be not only learning of the main facts of history, but also an awakening of interest in the subject, which creates a thirst for individual study. Whether these ends are realized depends very much upon the character of the teaching and the enthusiasm of the teacher. Haileybury College, in Hertfordshire, one of the youngest and less known public schools, has won especial distinction in this respect through two of the masters who are keenly interested in teaching the world's life of the past. The lecture room is fitted with all necessary appliances for using the stereopticon in the daytime. Thousands of slides have been made by these masters from photographs of places, costumes, relics, armor, weapons, etc., and authentic illustrations in books, such as those in Gardiner's *History of England* or the illustrated edition of Green. Thus the imagination of the boys is stimulated and the past is made to live before their eyes.

Two dangers of this method they seem to have avoided at Haileybury. One is the disposition of a live boy "to take advantage of the darkness necessitated by the use of the lantern to riot or to sleep;" the other is to look upon it as a

pleasant diversion and amusement for the hour only, leaving no permanent absorption of knowledge in the pupil's mind. At Haileybury the pupils are required to hand in reports of the lectures, and their knowledge is tested by viva voce questioning. The same method is utilized with the higher forms, where the history of the French Revolution is illustrated with contemporary portraits and caricatures thrown upon the screen. I doubt if in any school in the world so extensive and efficient use of the stereopticon in history teaching is made as at the old college of the East India Company, now a public school, where Malthus was a teacher and John Lawrence fought many a battle with his fists.

I have spoken of the limited fields of history prescribed by the Oxford and Cambridge certificate examinations, but the schools naturally do not limit their courses of study by their requirements. In a number of them a prescribed cycle of history is laid down. This system is championed by some masters and condemned by others.

A specimen of such a cycle may be taken from the calendar for 1896 of Winchester College, the oldest public school in England, founded in 1387. The fall term at Winchester is known as the short half, the winter term as common time, and the term following Easter to August 1 as cloister time. Common time and cloister time together form the long half. The highest class is known as the sixth book, for which there was the history cycle covering four years.

Long half: Hallam's Middle Ages.

Short half: Greek history to 435 B. C.

Long half: The Reign of Henry VIII.

Short half: Roman history, 133-31 B. C.

Long half: The Reign of Charles I.

Short half: Roman history, 31 B. C.-305 A. D.

Long half: English history, 1215-1327.

Short half: Bryce's Holy Roman Empire.

It is hard to make out much orderly sequence or deliberate teaching purpose in such an arrangement, and it would seem that a pupil following such an order would get a confused impression of the course of the world's history. But probably, like many other things in the English school curriculum, it is a traditional growth and not founded on any distinct pedagogical purpose.

Much easier to understand is the cycle for the other classes in the school as follows:

- 1896.—Short half: Greek history after 432 B. C.  
 1897.—Common time: Roman history to 200 B. C.  
     Cloister time: Roman history after 200 B. C.  
     Short half: Student's Gibbon to Justinian.  
 1898.—Common time: Student's Gibbon from Mahomet.  
     Cloister time: English history, Tudor period.  
     Short half: English history, Stuart period.  
 1899.—Common time: Greek history to 432 B. C.

It has been said that the fields of history usually covered in the English public schools are Greek, Roman, and English history. It should be added that in many schools there is considerable teaching of Biblical history under the head of scripture knowledge, as well as the outline history of the English church.

European history, except where it is in close contact with English history, is not formally and generally recognized in the school curriculum. Occasionally a school will be found where the enthusiastic interest of a master has secured for his form some recognition of a particular period of European history apart from English history. To what extent this casual and incidental teaching of history goes on depends upon the enthusiastic zeal of the master and the disposition of the head-master to encourage or discourage it. In the year 1893-94 the upper bench of the Sixth at Rugby took Seebohm's *Era of the Protestant Reformation*, and part of Oman's *The Dark Ages*. Indeed, in this somewhat irregular way, the pupils learn considerable history outside of the stated and formal curriculum. The form masters in the higher forms on the classical side often lay stress upon the writings of Livy, Cicero, Tacitus, and Thucydides as history, as well as literature or philology. At Harrow, under Mr. Bowen, the master of the modern side, the books read are often distinctly of a historical character. Books like Lazare Hoche, *Campagne de Russie*, Charles XII, and Beresford-Webb's *German Historical Reading Book*, are cases in point. They are studied not only from a language point of view, but also with regard to the study of history.

This incidental teaching of history in some schools takes the place of practice in writing Greek or Latin verse, and is known as verse equivalent. In 1897, at Rugby, the boys of



some of the forms who were excused from verse-making were compelled to take as verse equivalent the three following books in the Lent term, Seeley's *The Expansion of England*; in the summer term, as appropriate to the Diamond Jubilee, McCarthy's *Short History of Our Own Times*, and during the winter term, Bosworth-Smith's *Rome and Carthage*. In one exercise a week the class is tested on its knowledge of about thirty pages of the text-book, with comment by the teacher, and at the end of the term an examination is held on the work which has been covered. At Eton a similar system prevails, under the name of "extras," which, according to the syllabus, provided an interesting study of some historical and political questions.

With regard to English history, I found that comparatively little attention was paid to the history of Great Britain during the present century, or, to speak more accurately, since the passing of the Reform Bill in 1832. This is unfortunate, and is hardly in accord with the Jubilee spirit in 1897, which gloried in the Victorian era. Verily, the social and constitutional progress of England during the present century makes it one of its most interesting and important epochs, especially with regard to colonial expansion and social betterment. Yet the pupil at the English secondary school does not receive much instruction in this important era of the nation. None of the Oxford and Cambridge examination papers that I have examined since 1890 specify any period of English history later than 1815. The same is true of the examination papers of a number of schools in which little was found touching upon the Victorian era, save in the case of Malvern and Clifton, two of the newest schools. When I asked for an explanation of this fact, one reply given was that a careful study of the period would rake up burning questions, on which family and inherited prejudices were very strong. For this reason it was thought best to avoid anything that would lead to wrangling disputation.

Possibly it may be due to the same insufficient reason that the study of what is called in this country civil government is almost entirely neglected in English secondary schools. It is not mentioned in their courses of study, and the only instance in which I found it pursued as an independent study was at Haileybury, where a small class was taught by one of the

teachers of history already mentioned, who was using with his form Miss Buckland's little primer, *Our National Institutions*. This seems to be a very serious defect of the secondary school course in England, as compared with Germany, France, or the United States. In support of this statement I may quote from a striking address on<sup>1</sup> "The teaching of civic duty," by an Englishman for whom citizens of the United States have a high regard, the Hon. James Bryce:

"Boys leave our so-called secondary schools at 16, 17, and 18, leave even some of the greatest and most costly schools in the country, having received no regular instruction in the principles and working of the British constitution, much less in their own system of local government, wherein many of them as local magnates are soon called upon to take part."

Professor Bryce's noble plea was delivered to an audience of elementary schoolmasters, but it is a trumpet call to public schoolmasters, as well as to the audience before which it was spoken. The admirable syllabus on "The life and duties of the citizen," which is prescribed by the national educational department in the Evening Continuation School Code, might well be followed in the great public schools.

The time allowance for the regular teaching of history in most English schools shows less consideration for the subject than in France or Germany. In few schools are more than two hours per week given to class-room work in history; but at least one hour a week is given to history in each year of the school course, which in the case of most public schools covers five or six years. The order of teaching the different periods of history varies very much, and as in the cycles from Winchester, already quoted, seems not to have been arranged on any distinct pedagogical plan.

The subordinate position of history in the school courses is indicated not only by the small time allotment, but also by the fact that not until recently was this subject taught by specialists, viz, by men who had been specially trained in the subject of history and had devoted themselves very largely to teaching that subject. The spirit of the English secondary school is against specialization in teaching, except in the case of science, modern languages, and mathematics. The form master usually teaches Latin, Greek, scripture, English, and

<sup>1</sup> *Contemporary Review*, July, 1893, 64, p. 14. *Forum*, July, 1893, 18, p. 552.

history, while in the latter subject he has had no especial training. A welcome reform in this respect has already begun, which it is to be hoped will probably gain ground and improve the history teaching in the schools. Several of the larger schools have now on their staff a history master, who has won distinction in the honor school of history at Oxford, and will naturally bring to the teaching of this important subject the enthusiasm and skill which are likely to win a larger recognition for this subject in the school curriculum in the future. It is also to be hoped that it may win individual recognition and a place on the printed course of study, and not, as is often the case at present, be classed under English with English literature. Then the searcher after knowledge will be able to tell more easily what is the average time allotment for history, and this worthy subject will gain something in estimation by being classed by itself, separate from other English branches.

As to methods of teaching history, the system in the lower form generally consists of the thorough study of a reliable, but not elaborate, text-book. The work of the pupil is more often tested by written work than by oral questioning. The custom of "fluent" recitations on an assigned topic, which I have seen admirably carried on in German gymnasia, is not at all common in English schools. Certainly one of the valuable benefits of studying history ought to be the development of the power of oral expression, which such methods promote. Equally valuable also is the mental discipline and acuteness to be derived from rapid and incisive questioning and prompt answers, a system of cross-examination, which is sometimes known in this country under the phrase "quiz." The absence of this system of fluent recitation of historical facts is probably due to the prejudice so common in England against fluency of speech as a possible indication of superficiality or lack of scholarship.

The system of teaching known in the United States as the "library method," or the "laboratory method," viz, the use of several books in the study of a list of topics, is seldom found except in the highest forms where pupils are making special preparation for the history-scholarship examinations at the universities. At this stage of the course the text-book work is supplemented by lectures by the teacher, so that the pupils attain facility in taking notes, and by collateral reading, so

that they learn how to consult with permanent profit the books in a library. In this way, to use Dr. Arnold's phrase, "they learn how to read." They thus become acquainted with the methods which will be of great service to them when they go in for honors in the School of History at Oxford or the Historical Tripos at Cambridge. This power of going to the heart of a book and securing a deposit of its contents in their minds is a characteristic of the best boys in the sixth at a great public school; for hard and thorough reading is the essential condition of success in winning a school exhibition or an entrance college scholarship, which are the intellectual honors crowning an able boy's career at school. Such reading, however, is generally confined to secondary histories. The earnest use of the sources with secondary-school pupils is very rare in England, and not much used with the average student at the universities. Essay writing on historical subjects is very commonly followed in the higher forms with success and profit, not only for its own sake as a means of culture, but also as a means of preparatory training for this work in the university, inasmuch as in the honor school of history at Oxford one of the most important and valuable means of training is the essay work with the tutor.

In conclusion, it would hardly be proper for a visitor with so limited an experience of the actual teaching of history in English schools, to give a general judgment as to the quality of the teaching of this important subject in the great public schools. He may be permitted to quote instead the public testimony on this point of three Englishmen who are competent judges. The first is Professor Bryce, who in the article already referred to, says: "History is of all subjects which schools attempt to handle perhaps the worst taught." The second is an eminent teacher and writer of history and an old public-school boy. He says, "The teaching of history in the English public schools is not nearly so efficient as teaching in other branches of knowledge." The third is the editor of the London Journal of Education and master of the modern side in the Merchant Taylor's school. His words in the issue of February, 1899, are: "It is generally admitted that the teaching of history is exceedingly bad in our schools—with, of course, marked exceptions."

Secondary education is at present the burning question

among educators in England, and a great change in the relation of the schools to the Government draweth nigh. Doubtless the next few years will see a general improvement in history teaching, especially if the classicists will be willing to surrender to the historians a little of the time allotment which they now demand for the ancient languages. Yet, with all the deficiencies of the present situation, the writer, in his admiration for the work of the English public school, feels it but just to say that the history teaching reflects the general characteristics of the whole school system—thoroughness and virility.

## APPENDIX VI.

### HISTORY IN CANADIAN SECONDARY SCHOOLS.<sup>1</sup>

By GEORGE M. WRONG.

In Canada there has been no really great crisis like that of the Revolution or of the civil war in the United States to intensify historical interest. Many a citizen of Canada is not sure whether the old land of his ancestors or the new one of his birth or adoption is his real country. He still belongs to both, and his patriotic interest is widely diffused. Perhaps, as a result, he is more cosmopolitan, but he is usually wanting in that almost fierce love for his country's past which in the United States is so keen a stimulus to historical study. A natural situation in Canada inimical to history has not been improved by enlightened policy. The Canadian universities, like the Scotch, have, until recently, quite neglected history. The subject had only a minor place on the curriculum and no adequate training in historical method was furnished. Happily a marked change has taken place. In the two largest Canadian universities (the University of Toronto and McGill University) history now occupies a respectable place, though it still receives far less attention than universities of similar importance give it in the United States.

There is no uniform educational system in Canada; the government of each Province is charged with education as is that of each State in the United States. The Federal Government in Canada has not even that shadowy oversight of education that is implied in the United States by the existence of a Federal Commissioner of Education. Nearly five of the six millions of people in Canada are in the Provinces of Ontario and Quebec. In Quebec the schools are chiefly French, and are largely under the control of the Roman Catholic Church. Obviously the Province of Ontario must be the principal field

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<sup>1</sup> This short article on "History in the Canadian Schools" was written, at the request of the committee, by Professor Wrong, professor of history in the University of Toronto. No study of Canadian schools has been made by the committee.

of our inquiries. This Province, containing nearly half of the population of Canada, owes the first organization of its government to the American Revolution. Thousands of Loyalists, who refused to consent to the severance of the American colonies from Great Britain, found a refuge in what is now Ontario. Many of them belonged to the educated classes, and had a zeal for education similar to that of the New England pioneers. The early governors, too, were on the whole enlightened men, who for many years wielded a power almost despotic. Extensive lands were set apart for educational purposes. For a long time the Anglican Church struggled to control State-aided education. She failed in the end. Roman Catholics still have separate schools supported by the rates levied on the taxpayers adhering to that church, but the remainder of the State system is now completely secularized.

The secondary schools are numerous, and are sometimes found in villages of less than 1,000 inhabitants. The State university for a long time charged an annual fee of only \$10. It is now but \$40, so that a college course is within the reach of a large number. It is becoming not uncommon for a farmer's son to take a degree in the university before settling down upon the farm.

Until within the last ten years classics and mathematics claimed chief attention. Now modern languages are on about the same footing with them, the relative standard in mathematics being probably the highest of all the subjects. History has a fairly good place in the lower forms, but an unimportant one in the work for the college-entrance examination, being worth only one-third of the value of Greek or Latin, and one-sixth of that of mathematics.

The curriculum in the secondary schools of Ontario is limited to the history of ancient Greece and Rome, of England, and of Canada. In some of the smaller provinces an outline of general history is included. History is compulsory in every year of the course, which usually extends over about four years. In some schools five hours a week are given to history; the average would be about three hours. The larger schools with five or more teachers have usually a specialist devoted to history alone. In some of the smaller schools any member of the staff may have a class in history thrust upon him.

Let me summarize briefly my criticisms and suggestions:

1. The adequate training of the teacher was for a long time neglected. There has been a two-fold reason for this. On the

one hand the real difficulties both of teaching and of learning history have been underestimated. Roederer, the minister of the first Napoleon, banished the teaching of history from the French schools on the ground that the subject could easily be learned without being taught. This view is still widespread. In Canada it has hardly yet been realized that the truths of history are subtle and may easily be missed, and that to teach it there must be added to a thoughtful study of the facts a vigorous and disciplined imagination and the power of arranging complex material effectively. Because the teaching was usually bad, pupils came to regard history as a dreary and painful study. The other cause of the insufficient training of teachers of history has been the defective work of the universities, already referred to. The education department for Ontario has been quick to utilize for the schools the better work which the colleges are now doing in history. There is a system of specialist certificates for teachers. To teach classics, mathematics, etc., a high specialistic qualification had long been required. For a long time any one was allowed to teach history, but now a specialist in history must pass examinations hardly less difficult than those for an honor degree in modern history at Oxford. The improvement of the teaching of history, as a result of this policy, will probably soon be very marked. Of course it will still happen in the smaller schools that history will be taught by masters with no special qualifications, for these schools can not have a master devoted exclusively to history. The point gained, however, is that history is now on the same footing as other departments with regard to specialistic training.

2. The curriculum is defective. The history of Greece and Rome to the Augustan age, and that of England and Canada, do not form a well-balanced course of historical study. It leaves untouched, almost, the great epochs of continental Europe, and makes it possible for a student to go up to the university having scarcely heard of St. Bernard, Charles V, Frederick the Great, or Mirabeau. In Canada, a part of the British Empire, pupils know nothing of other portions of the same Empire—India or Australia, and as far as I can learn, the history of the United States is not taught in any Canadian school. The curriculum suggested in the foregoing report is hardly suitable for Canada, but that portion of it which relates to the history of continental Europe might well be adopted in the Canadian schools.



3. The time given to history is usually, though not always, inadequate. New subjects are making claims, sometimes extravagant, upon the time of the schools. In a large secondary school in Toronto, the time available weekly was divided into thirty-five periods. Of these the physical sciences claimed at first twenty-two, much to the amusement of the other departments. History with no technical language, appears to be easier than chemistry, and it may plausibly be urged that it should take a minor place upon the time table. Friends of history ought to insist that an extension of the curriculum should go hand in hand with an extension of the time for instruction. It should be laid down as a general rule that the teaching must cover the whole ground of the curriculum. The pupils usually remember what they read in the text-book only when they hear it talked about in the class.

4. The text-books are inferior in quality. The education department requires the same text-book to be used in all the schools. For English history the highest classes use Green's "Short History of the English People"—by far the best book on the list, but, in my opinion not a good text-book. The other books are, on the whole, colorless compilations, "confused in arrangement," as one teacher writes me, "bad in diction, and with no sense of proportion." These defects are not peculiar to the books used in Canada. To pick out the salient features of a nation's history and to describe them with both scientific precision and literary charm are tasks requiring rare gifts. Until our best minds turn to the unattractive but useful task of writing history text-books, we shall not have what we need.

One may say in closing that though history has not as yet really flourished in the Canadian schools, its status is steadily improving. The key of the situation is really with the colleges. These train the teacher, and an able teacher properly trained will give dignity to and win a place for the subject. With such teachers the dreary history lesson has been transformed in some places in Canada into an animated lecture. Nearly every school has a library—often very incomplete, of course. A good teacher and a good library for his own needs, to which the pupils may also be referred—these will be the two best agents for improving the status of history. It is still true that the subject is often neglected, and I see no hope that a uniform standard can be adopted in all the secondary schools.

Those with a small staff sometimes try to cover as many subjects as do the larger schools, and the teaching of some branches must be slighted. One effective way of increasing the attention to history in the work for college entrance would be to establish competitive scholarships at matriculation for excellence in history. Such scholarships have done much for Greek, Latin, and modern languages. They have not yet been offered in connection with history, and naturally the best pupils bend their energies to the subjects that have the prospect of reward.

## APPENDIX VII.

### SOME BOOKS AND ARTICLES ON THE TEACHING OF HISTORY.

The following titles have been selected from the vast number of books and articles relating to history and its teaching, in the hope that they may prove helpful to teachers who may not already be acquainted with them. Longer lists will be found in Channing and Hart's *Guide to the Study of American History*, section 15, and at the beginning of the various chapters of Hinsdale's *How to Study and Teach History*. For discussions that have appeared since the publication of these works, see particularly the *Educational Review*, the *School Review*, and the *Proceedings of the National Educational Association*, the *Association of Colleges and Preparatory Schools in the Middle States and Maryland*, the similar Association in New England, and of the *New England History Teachers' Association*. Mr. J. I. Wyer, of the library of the University of Nebraska, has compiled for the American Historical Association an extensive *Bibliography of the Study and Teaching of History*, which it is hoped will soon be published. The prices quoted below are taken from the publishers' catalogues; in the case of works in foreign languages they do not include the cost of binding.

#### 1. BOOKS WITH WHICH EVERY TEACHER OF HISTORY SHOULD BE ACQUAINTED.

CHARLES KENDALL ADAMS, *A Manual of Historical Literature*. Third edition. New York, Harpers, 1889. \$2.50.

Contains an introduction on the study of history, "brief descriptions of the most important histories in English, French, and German," and suggestions as to courses of reading on particular countries or periods. The work needs revision. Sonnenschein's *Bibliography of History* (reprinted from his *Best Books and Reader's Guide*, London, 1897, 4s. 6d.), is more recent, and in some respects more helpful.

THE AMERICAN HISTORICAL REVIEW. New York, Macmillan, quarterly since 1895. \$3 a year (free to members of the American Historical Association).

Every progressive teacher of history should keep abreast of current publications on historical topics. The most convenient method is by means of the book reviews and notes in the *American Historical Review*.

**EDWARD CHANNING AND ALBERT BUSHNELL HART**, *Guide to the Study of American History*. Boston, Ginn, 1896. \$2.

Includes a consideration of methods and materials, a bibliography of American history, and a series of topical references. Especially intended for the teacher of American History.

**BURKE AARON HINSDALE**, *How to Study and Teach History, with Particular Reference to the History of the United States*. (International Education Series.) New York, Appleton, 1894. \$1.50.

"No effort is made to tell the teacher just what he shall teach or just how he shall teach it. The aim is rather to state the uses of history, to define in a general way its field, to present and to illustrate criteria for the choice of facts, to emphasize the organization of facts with reference to the three principles of association, to indicate sources of information, to describe the qualifications of the teacher, and, finally, to illustrate causation and the grouping of facts by drawing the outlines of some important chapters of American history." The book is written particularly for the use of teachers in elementary and secondary schools, and contains numerous references to books and articles on the subject.

**CHARLES VICTOR LANGLOIS AND CHARLES SEIGNOBOS**, *Introduction to the Study of History*. Translated by G. G. Berry, with a preface by F. York Powell. New York, Holt, 1898. \$2.25.

The best brief treatise on the methods of historical investigation. Appendix I treats briefly of history in French secondary schools.

**REPORT OF THE COMMITTEE [OF TEN] ON SECONDARY SCHOOL STUDIES**. Washington Bureau of Education, 1893. Now out of print in this form. Also reprinted by the American Book Company, New York, 1894. 30 cents.

Pp. 162-203 contain the report of the Madison Conference on history, civil government, and political economy; pp. 185-200 are devoted to "methods of historical teaching."

## 2. OTHER NOTEWORTHY BOOKS ON HISTORICAL METHODS.

**MARY SHELDON BARNES**, *Studies in Historical Method*. Boston, Heath, 1896. 90 cents.

"Written especially for the teacher who wishes to specialize his work;" particularly suggestive in regard to children's ideas of history. Contains brief bibliographies; sources, pp. 8-10; helps for the study of current history, pp. 14-15; bibliographical aids, maps and atlases, chronologies, pp. 34-37; works on method, pp. 139-144.

**JOHANN GUSTAV DROYSEN**, *Outline of the Principles of History*. Translated by E. Benjamin Andrews. Boston, Ginn, 1893. \$1.

A philosophical discussion of the nature of history.

**EDWARD A. FREEMAN**, *Methods of Historical Study*. London and New York, Macmillan, 1886.

Interesting lectures on various aspects of historical study in general.

**G. STANLEY HALL**, editor. *Methods of Teaching History*. Second edition. Boston, Heath, 1885. \$1.50.

A series of papers by teachers of history on various aspects of historical study, particularly as seen in colleges and universities. Now somewhat out of date; a third edition is proposed.

WILLIAM HARRISON MACE. *Method in History*. Boston, Ginn, 1897. \$1.  
Treats of the "organization of historical material," particularly as illustrated by American history.

3. TEN USEFUL ARTICLES ON METHODS OF TEACHING HISTORY IN  
SECONDARY SCHOOLS.

This short list contains only articles which deal directly and in a helpful way with problems of teaching; articles on the nature of historical study in general, on the place of history in schools, or on the arrangement of the curriculum in history are not included.

MARY SHELDON BARNES. *The Teaching of Local History*. In *Educational Review* (December, 1895), X, 481-488.

A more special article on the same theme is that of

R. G. THWAITES, *The Study of Local History in the Wisconsin Schools*, in *Wisconsin Journal of Education* (November, 1888), XVIII, 465-476.

JAMES BRYCE, *The Teachings of Civic Duty*. In *Forum* (July, 1893), XV, 552-566; *Contemporary Review* (July, 1893), LXIV, 14-28.

ALBERT BUSHNELL HART, *How to Teach History in Secondary Schools*. In *Syracuse Academy* (September, October, 1887), II, 256-265, 306-315. Reprinted in his *Studies in American Education* (New York, Longmans, 1895), 91-121.

RAY GREENE HULING, *History in Secondary Education*. In *Educational Review* (May, June, 1894), VII, 448-459; VIII, 43-53.

J. W. MACDONALD, *Civics by the Parliamentary Method*. In *Syracuse Academy* (May, 1892), VII, 217-227.

PRACTICAL METHODS OF TEACHING HISTORY. In *Educational Review* (April, 1898), XV, 313-330.

Report to the New England History Teachers' Association, with discussion by President Eliot. Printed also in the *Register and Report of the First Annual Meeting of the Association*, Boston, 1897.

REPORT OF THE CONFERENCE ON ENTRANCE REQUIREMENTS IN HISTORY (to the New England Association of Colleges and Preparatory Schools). In *School Review* (October, 1895), III, 469-485.

For discussion of this report, see *School Review* (December, 1895), III, 597-631; *Educational Review* (December, 1895), X, 417-429.

JAMES E. RUSSELL, *History and Geography in the Higher Schools of Germany*. In *School Review* (May, October, 1897), V, 257-268, 539-547.

Also forms part of his *German Higher Schools* (New York, Longmans, 1899), 291-311.

LUCY M. SALMON, *The Teaching of History in Academies and Colleges*. In *Syracuse Academy* (September, 1890), V, 283-292.

Reprinted in *Woman and the Higher Education* (New York, Harpers, 1893), 131-152.

ANNA BOYNTON THOMPSON, *Suggestions to Teachers*. In *Channing's Students' History of the United States* (New York, Macmillan, 1898), XXIX-XXXV.

## 4. VALUABLE WORKS IN FOREIGN LANGUAGES.

**RAFAEL ALTAMIRA**, *La Enseñanza de la Historia*. Second edition, Madrid, Suárez, 1895. \$2.

Largely a description of the secondary and higher instruction in history in Europe and America.

**ERNST BERNHEIM**, *Lehrbuch der historischen Methode*. Second edition. Leipzig, Duncker and Humblot, 1894. \$3; bound, \$3.50.

An admirable manual, discussing the nature of historical science, its relations to other subjects, and the principles of historical criticism and interpretation. Excellent bibliographies.

**OSKAR JÄGER**, *Didaktik und Methodik des Geschichtsunterrichts*. Munich, Beck, 1895. 75 cents. (Reprinted from *Baumeister's Handbuch der Erziehungs- und Unterrichtslehre für höhere Schulen*.)

Gives a detailed exposition of the methods of instruction in the various classes of the German gymnasium.

**CHARLES VICTOR LANGLOIS**, *Manuel de Bibliographie Historique*. Part I. Paris, Hachette, 1896. 60 cents.

The best account of the bibliographical tools of the historian.

**ERNEST LAVISSE**. *A propos de nos Écoles*. Paris, Colin, 1895. 70 cents.

M. Lavissee is an exceedingly stimulating writer on history and its teaching, but unfortunately his essays are scattered in various publications. This volume includes (pp. 77-107) his report of 1890 on methods of teaching history in secondary schools.

## 5. ARTICLES ON THE TEACHING OF HISTORY WRITTEN FROM THE POINT OF VIEW OF ENGLISH SCHOOLS.

**ALICE ANDREWS**, *Teaching Modern History to Senior Classes*. In *Work and Play in Girl's Schools* (London and New York, Longmans, 1899), 124-158. \$2.25.

**OSCAR BROWNING**, *The Teaching of History in Schools*. In *Royal Historical Society Transactions*, new series, IV, 69-84.

**R. F. CHARLES**, *History Teaching in Schools*. In *London Journal of Education* (June, 1895), XVII, 379.

**A. H. GARLICK**, *A New Manual of Method*. London and New York, Longmans, 1896. \$1.20.

Chapter XIII deals with history.

**R. SOMERVELL**, *Modern History*. In *P. A. Barnett's Teaching and Organization* (London and New York, Longmans, 1897), 161-179. \$2.

**C. H. SPENCE**, **A. L. SMITH**, *The Teaching of Modern History*. In *Essays on Secondary Education*, edited by Christopher Cookson (Oxford, Clarendon Press, 1898), 161-195.

**J. WELLS**, *The Teaching of History in Schools*. (A lecture delivered at the University Extension Summer Meeting in Oxford.) London, Methuen, 1892. 6 d.

**H. L. WITHERS**, *Ancient History*. In *P. A. Barnett's Teaching and Organization* (London and New York, Longmans, 1897), 180-198.

## APPENDIX VIII.

### MAPS AND ATLASES.

Intelligent and effective teaching of history demands at every stage a well-chosen supply of maps and atlases. Besides a set of political and physical maps of the continents, such as are now found in almost every school, there are needed maps in greater detail, both political and physical, of the principal countries whose history is studied in the school, as well as sets of historical wall maps, indexed historical atlases, and a good modern reference atlas of the world.<sup>1</sup> Small outline maps in the possession of each pupil may also be used to advantage.<sup>2</sup> This committee does not feel itself called upon to give a complete annotated catalogue of the maps and atlases available for use in secondary schools; but it seems to be within its province to suggest what may be regarded as the minimum geographical equipment for treating the various periods of history which have been outlined in the body of the report. The prices are quoted from publishers' price lists; in case of foreign works they do not include the duty, when imported by an individual.

#### I. ANCIENT HISTORY.

The best wall maps for the study of ancient geography are the Wandkarten zur alten Geschichte, prepared under the direction of Heinrich Kiepert and published in Berlin by D. Reimer. The American agents are Rand, McNally & Co., Chicago. The American prices for individual maps, mounted on common rollers, run from \$6 to \$8; the full set in a case, with spring rollers, costs \$88. In Germany single maps vary in price from 15 to 22 marks, according to map and mounting, and the cost of a set, without a case, is correspondingly less.

<sup>1</sup> Maps on lantern slides are much cheaper than wall maps, and may easily be prepared or modified to illustrate any desired subject. A collection of map slides sufficient for all the needs of secondary instruction in history may be obtained for \$15 or \$20, or even less.

<sup>2</sup> Such are the Outline Maps and Progressive Outline Maps published by D. C. Heath & Co., Boston; the suggestive Relief Practice Maps of William Beverly Harrison, New York; the Outline Maps of Rand, McNally & Co., Chicago; and the detailed sheets issued by the United States Geological Survey.

The full set is desirable; the maps of Greece, Italy, and the Roman Empire are indispensable. The school should also possess good physical wall maps of Greece, Italy, and the Mediterranean lands as a whole.

The best desk atlas of ancient history is also—

KIEPERT, *ATLAS ANTIQUUS*. Twelve Maps of the Ancient World. American edition, Boston, B. H. Sanborn & Co., 1892. \$2.

Others are—

GINN & Co.'s *CLASSICAL ATLAS*. Boards, \$1.40; cloth, \$2.30

LONGMANS' *CLASSICAL ATLAS*. \$2.

At least one such atlas should always be at hand, and it may often be possible to require pupils to procure copies for themselves.

A more elaborate work is—

SPRUNER-SIEGLIN, *ATLAS ANTIQUUS*. Gotha, Perthes. In parts, 20 marks; separate maps, 80 pfennigs each.

For maps illustrating the early Middle Ages, see the following section. Some of the collections there mentioned also cover ancient history. The first part of MacCoun's *Historical Geography Charts of Europe* is entitled "Ancient and Classical," and is sold separately (Boston, Silver, Burdett & Co., \$15).

## 2. MEDIEVAL AND MODERN HISTORY.

The first essential for the teaching of mediæval and modern history is a large map of Europe. Ordinary maps are apt to be too small to render much service in historical instruction. If the school can have but one large map it should be physical, since the detail of the modern political map obscures the fundamental geographical features and confuses the pupil with modern boundary lines.<sup>1</sup> This should be supplemented by a series of historical wall maps, of which the most scholarly is the *Historischer Wandatlas* of Spruner-Bretschneider, a set of ten maps, 62 by 52 inches, covering the period from A. D. 350 to 1815. (Gotha, Perthes, 1894; in loose sheets, 56 marks; mounted in a portfolio, 90 marks.) The mediæval and modern

<sup>1</sup>Physical features are conveniently brought out in exaggerated form by the relief maps prepared by Giuseppe Roggero, and published by G. B. Paravia & Co., Turin, Rome, and Florence. The set includes maps of Italy, Spain, France, Scandinavia, Germany, the British Isles, and the Balkan Peninsula, varying in size from 8 × 10 to 10 × 12 inches; the price of each map is 2 lire, or, including packing and postage (but not the duty, when imported by an individual) about 50 cents.



section of the Historical Geography Charts of Europe, prepared by Townsend MacCoun (Boston, Silver, Burdett & Co., \$15), consists of nineteen loose maps on manila paper, covering the period from A. D. 526 to 1894. Modern maps of individual European countries are also helpful, and, for the recent period, maps of the other continents are necessary. For special subjects and battlefields, single sheets of the various government surveys will be found useful, and can be had through any foreign bookseller.

The best small atlas of European history is:

F. W. PUTZGER, HISTORISCHER SCHUL-ATLAS ZUR ALTEN, MITTLEREN UND NEUEN GESCHICHTE. Twenty-second edition, Bielefeld and Leipzig, Velhagen and Klasing, 1897. 2 marks; bound, 2 marks 70 pfennigs.

It contains 67 large and 71 small maps, but has no index of places.

Other small atlases are the following:

C. COLBECK, THE PUBLIC SCHOOLS HISTORICAL ATLAS. Fourth edition. London and New York, Longmans, 1894. \$1.50.

One hundred and one maps and plans, and an index of places. Begins with the fourth century A. D.; as the maps are for the most part reproduced from the Epochs of Modern History, they are not very well distributed over the period.

KIEPERT AND WOLF, HISTORISCHER SCHUL-ATLAS ZUR ALTEN, MITTLEREN UND NEUEREN GESCHICHTE. Seventh edition. Berlin, D. Reimer, 1896. Bound, 3 marks 60 pfennigs. Thirty-six maps.

ROBERT HENLOPEN LABBERTON, HISTORICAL ATLAS, 3800 B. C. to 1886 A. D. Boston, Silver, Burdett & Co., 1886. \$1.25. Sixty-four pages of maps.

The school library should also possess one of the following excellent historical atlases, each of which covers ancient as well as mediæval and modern history:

GUSTAV DROYSEN, ALLGEMEINER HISTORISCHER HANDATLAS. Bielefeld and Leipzig, Velhagen and Klasing, 1886. 20 marks; bound, 25 marks.

Eighty-eight pages of maps, with descriptive text.

FRANZ SCHRADER, ATLAS DE GÉOGRAPHIE HISTORIQUE. Paris, Hachette, 1896. Bound, 35 francs.

Fifty-five double-page plates and a large number of sketch maps, with descriptive text and an index of places.

Unfortunately, the only English atlas of the type of Schrader and Droysen, the Historical Atlas of Modern Europe, now appearing at the Clarendon Press under the editorship of Reginald Lane Poole (to be completed in thirty parts, at 3s. 6d.

each), is much more expensive, and covers only the mediæval and modern periods. Freeman's Historical Geography of Europe (one volume of text and one of maps, London and New York, Longmans, 1881) is now out of print.

Still greater detail will be found in—

SPRUNER-MENKE, *HANDATLAS ZUR GESCHICHTE DES MITTELALTERS UND DER NEUERN ZEIT*. Gotha, Perthes, 1880. In parts, 85 marks 60 pfennigs. Any map may be had separately at 1 mark 20 pfennigs.

### 3. ENGLISH HISTORY.

The study of English history requires, in the first place, large wall maps, political and physical, of the British Isles, and also—

SAMUEL RAWSON GARDINER, *SCHOOL ATLAS OF ENGLISH HISTORY* (London and New York, Longmans, 1891, \$1.50).

For the proper comprehension of the continental and imperial aspects of English history there is also needed much of the equipment necessary for the study of general mediæval and modern history. This is the case particularly as regards wall maps; smaller maps of Europe and the colonies are largely represented in Gardiner's admirable Atlas.

### 4. AMERICAN HISTORY.

Information concerning the most serviceable maps for use in connection with classes in American history will be found in Channing and Hart's *Guide to American History*, section 21, and in the *List of the Publications of the United States Geological Survey*, which will be furnished on application to the Director of that Survey, Washington, D. C. Schools should always possess a good general map of North America, and a large map of the United States, such as that published by the United States Land Office (price, unmounted, \$1.25). Also useful is Albert Bushnell Hart's *Epoch Maps Illustrating American History* (New York, Longmans, 1891, 50 cents; reprinted from the *Epochs of American History*). The United States Geological Survey publishes for its own use a three-sheet, and a reduced one-sheet, physical map of the United States, giving only rivers, lakes, and contours, without political boundaries or names. This map may sometimes be obtained by special arrangement with the Survey, and it is almost indispensable, since the modern map with its State boundaries gives

a wrong historical impression. These maps may best be supplemented by the various physiographic maps issued by the United States Geological Survey, and especially by the detailed topographic maps of small areas, sold in sheets at 5 cents each (and in lots of a hundred or more copies, whether of the same sheet or different sheets, at 2 cents each, a list may be obtained on application), and by sets of historical maps which the teacher may prepare on outlines, such as those mentioned in the note on page 560. Townsend MacCoun also has a series of Historical Charts of the United States (Boston, Silver, Burdett & Co., \$15).

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**XXII.—THIRD ANNUAL REPORT OF THE HISTORICAL  
MANUSCRIPTS COMMISSION.**

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### THIRD ANNUAL REPORT OF THE HISTORICAL MANUSCRIPTS COMMISSION.

*To the Executive Council of the  
American Historical Association :*

The Historical Manuscripts Commission begs leave to submit herewith its third annual report:

The work of the Commission during the past year has been mainly concerned with the projected edition of the correspondence of John C. Calhoun, mentioned in the last annual report. Between the time when that report was formally presented and the time when its text was turned over to the printer important progress was made, of which the record was embodied in that report as printed. What is there said may be briefly recapitulated. The trustees of the Clemson Agricultural College in South Carolina lent to the Commission, for the purposes indicated, its collection of the manuscripts of Mr. Calhoun, and permitted them to be transferred, for the convenience of the editor, to Providence, R. I., where they are now stored, under all proper safeguards, in the fireproof library building of Brown University.

The collection includes about 430 letters written by Mr. Calhoun and about 3,000 written to him, and illustrates his career from early manhood to the day of his death. Nearly all these letters of Mr. Calhoun and a portion of those addressed to him have now been examined, and the major portion of the former has been copied for the press. The collection forms an exceedingly rich body of material for the understanding of Mr. Calhoun's public career. The letters illustrate in the fullest degree his character, disclosing with entire transparency his motives and his thoughts, and heightening constantly the reader's impression of his sincerity, his patriotism, and his devotion to duty. They contain no sentence concerning which, on grounds personal to himself, he need have regretted that it should be disclosed to the present world.

But the Commission, as was intimated in the last report, was not disposed to rest satisfied with this ample collection.

Constant efforts, entailing much correspondence on the part of various members of the Commission, have been made to supplement it with other collections of letters. Gratifying success has been attained already. Mr. Patrick Calhoun and Miss Margaret Calhoun, children of Mr. Calhoun's oldest son, have placed at the disposal of the Commission their collection of Mr. Calhoun's letters to their father, a collection second only in importance to that lent by Clemson College. Mr. R. P. Maynard, of Tacoma, Wash., of the family of Gen. Duff Green, a man closely bound to Mr. Calhoun by both political and family ties, has forwarded to Providence what remains in his hands of the highly interesting correspondence between these two public men. Mr. Edward Spann Hammond, of Blackville, S. C., has lent the important series of letters which passed between his father, Governor and Senator J. H. Hammond, and Mr. Calhoun. Mr. J. Van Deventer, of Knoxville, Tenn., son of Maj. C. Van Deventer, Mr. Calhoun's chief clerk in the War Department, has sent a number of Mr. Calhoun's letters to his father. Mrs. J. F. Calhoun and several other possessors have made loans equally liberal, though of minor stores of material.

There are now at hand somewhat more than 600 letters of Mr. Calhoun, about two-thirds of which seem to the editor worth printing in whole or in part. Efforts to increase the number are still progressing. Circulars have recently been addressed to all the newspapers in South Carolina, and valuable results may be expected from their mediation. The newspapers in certain other States have already been used with some effect. The possessors of some notable collections of historical manuscript have assured the Commission of their readiness to supply whatever letters of Mr. Calhoun they have whenever this is desired.

In the last report it was intimated that the correspondence of John C. Calhoun would be presented with the present report, and would form its chief feature. This has proved impracticable. In the first place, the preparation and editing of so considerable a mass of papers takes time, and that member of the Commission who is to edit them has not been able to give great amounts of time continuously to the matter. This obstacle might have been overcome. But a more serious reason for delay resided in the fact that one of the most important collections spoken of above was obtained, and could be obtained, only lately. It would have been undesirable to

go to press with a volume lacking this collection and others which are expected. The work of search and solicitation is still going on, and its results in many cases can not be hastened.

The present report is, therefore, so far as the Calhoun papers are concerned, simply a report of progress. But though the Commission does not print herewith any of his letters, yet, as a preliminary which may bring some information useful to the contemplated edition, it submits herewith (Appendix II) a list, arranged in chronological order, of such of his letters as have heretofore been printed. Those who may examine it are invited to suggest additions, if any other printed letters of Calhoun are known to them. It is important that the Commission should avoid printing that which has already been made public, and for other reasons its members would be glad to have this conspectus made more complete. They repeat their request made a year ago, that they be informed of any known or probable collections of letters by or to Mr. Calhoun, and that possessors be so kind as to aid them by the loan of letters. They trust that they need not repeat the assurance then given, that such letters will be carefully preserved and promptly returned.

With the present report the Commission also presents, as Appendix I, a body of information relative to historical manuscripts in private hands, derived from the replies received to its circulars of inquiry. In the first year of its existence the Commission sent out a circular addressed to libraries; it is described on page 473 of the First Annual Report (American Historical Association, Report for 1896). Where printed descriptions, lists, or calendars of the historical manuscripts possessed by libraries existed and were made known by the replies received in answer to this circular, they were mentioned in the second section ("Local Repositories") of the "List of printed guides to and descriptions of archives," etc., which was presented in the First Report (i. e., in pp. 495-512). But some such descriptions have since come to the knowledge of the compiler, and a considerable number of libraries, which had not printed descriptions of their manuscripts relating to American history, kindly supplied the Commission with lists or statements. Items of these two sorts are now printed herewith. It is believed that their utility to historical inquirers is obvious.

In the same year the Commission also sent out a large number of circulars to private individuals owning or having knowledge of unpublished documents of historical value. The text



of the circular is reproduced on pages 471 and 472 of the First Report. Other copies have subsequently been sent out from time to time, when addresses of persons from whom useful replies might be expected have been communicated to the members of the Commission. The information contained in those replies which seemed to have any importance is now presented. It will be evident that the returns have been few in comparison with the large mass of such historical matter known to be in private possession in various parts of the country. The Commission feels sure that, as its work becomes better known through the publication of successive annual reports, and as its operations (if the hopes which its members venture to entertain are fulfilled) begin to command public confidence, a much freer communication of such data will ensue, so that it will in turn be able to perform this portion of its duties much more fully and satisfactorily. But it does not think it desirable to withhold longer those items of knowledge concerning historical manuscripts in private hands (some of them very interesting items and not hitherto generally known) which it has already collected.

Finally, the Commission believes that it performs a real service to students of American history, especially for the period before 1800, and one which no other agency was likely to undertake, by presenting, in a third appendix to the present report, a classified body of data for American history, derived from the publications of the organization upon which this Commission was modeled—the Royal Commission on Historical Manuscripts in Great Britain. That commission, first appointed in 1869, has published reports and appendixes constituting no fewer than 17 folio and 63 octavo volumes of varying thickness, and presenting, as is well known, an enormous mass of detailed indications respecting matters of English history. Many of the volumes are replete with information relating to American history, particularly of the colonial and Revolutionary periods. But while individually the volumes are well indexed, the series has as yet no general index. The American items are scattered promiscuously through the 80 volumes, occurring there, for the most part, in no other order than that in which they occur in the collections of manuscript which happen to have been successively examined by the agents of the commission. Accordingly, although the collection is a rich mine of knowledge for the American student, containing texts or

summaries of uncounted documents inaccessible to him in his own country, it is a mine largely unworked because of the material difficulties of pursuing a particular vein through it. The Commission conceived it to be a part of their function to open up these treasures by causing a systematic index to be prepared. It is herewith submitted for publication in the hope that it will prove to be not the least useful of the Commission's undertakings. For its preparation the Commission is indebted to Miss Gertrude S. Kimball, of Providence; for much of the detail of the preceding appendixes, to Dr. Edmund C. Burnett, instructor in Brown University, and to Mr. John Pettibone, of Broad Brook, Conn. .

With so much more manuscript material pressing upon its attention than it can possibly deal with in any but a long series of years, the Commission must necessarily try, on rational principles of division of labor, to refer to local and other societies all those historical accumulations which are called to its attention, but can be deemed to belong more appropriately to the "sphere of influence" of the latter organizations. Wherever it has seemed practicable this has been done. There are welcome signs of increasing interest and activity in documentary publication among the historical societies of the country. The oldest of them, the Massachusetts Historical Society, in June last instituted a historical-manuscripts committee, charged to discover and keep track of valuable collections of historical manuscript, to increase the public appreciation of such documents and to preserve them from destruction, to acquire them for the society, if possible, and arrange for their calendaring and publication, if this seemed expedient. The committee proposes unusually comprehensive and elaborate plans for the accomplishment of its purposes. It intends to give extensive circulation, within and without the State, to a circular admirably designed for the furtherance of those purposes. This committee has added to its number a member of this Commission who is a corresponding member of the society, and it intends to cooperate with this Commission in all possible ways.

Circulars similar to that referred to have, it may be added, been issued by the Wisconsin State Historical Society and by other similar organizations. The Massachusetts committee

proposes, among other circulars, an appeal intended to interest school children in the preservation of manuscript materials for history.

In its future work the Commission intends, while cooperating with the historical societies of the country, to leave to them the tasks which more properly belong to them, and to confine its own labors, as far as possible, to historical manuscripts of national importance. Since its next report must be mainly occupied with the Calhoun papers, it forbears for the present to specify the objects which must next afterwards attract its attention; but it begs the members of the council and all members of the American Historical Association to further the purposes for which it was instituted by communicating to its members such information as may occur respecting historical manuscripts in private hands.

Respectfully submitted.

J. FRANKLIN JAMESON, *Chairman.*  
WM. P. TRENT.  
FREDERICK J. TURNER.  
JAMES BAIN, Jr.

DECEMBER 30, 1898.

## APPENDIX I.

### ITEMS RESPECTING HISTORICAL MANUSCRIPTS.

#### A.—IN LIBRARIES AND ARCHIVES.

Of the following notes, those which are inclosed in brackets are to be regarded as supplementary to the "List of printed guides," etc., printed in the First Report of the Commission, pp. 481-512; they refer to printed lists already in existence. Attention is especially called to the items, supplied by Mr. Henry Harmon Noble, of pieces in the public documents of the State of New York relating to its manuscripts at Albany.

The items not inclosed in brackets have been derived from the replies received from the circulars mentioned on p. 473 of the same report. The chairman gratefully acknowledges the aid received from Prof. E. C. Burnett in the redaction of these notes. The arrangement is geographical.

#### MAINE.

##### *Augusta.*

#### KENNEBEC NATURAL HISTORY AND ANTIQUARIAN SOCIETY.

A few MSS. of general historical interest.

#### NEW HAMPSHIRE.

##### *Concord.*

#### NEW HAMPSHIRE HISTORICAL SOCIETY.

1. Original records of court-martial, Louisburg, 1746-1748.
2. Plumer papers (brief biographies of contemporaries), 5 volumes.
3. Sullivan papers, containing autograph letters of Washington (between 30 and 40), General Burgoyne, Benedict Arnold, etc. [See A. H. A. Report, 1897, p. 488.]
4. MSS., letters, etc., of Daniel Webster, 16 large volumes.
5. Bedel papers, Hibbard papers, etc.
6. Historical MSS. of John Elwyn.
7. List of 4,400 + persons dying at 90 or more years.
8. Court records, Barnstable County, Mass., 1663-1673.
9. Records of court of sessions, Portsmouth, N. H., 1692, 17 volumes.

##### *Hanover.*

#### DARTMOUTH COLLEGE LIBRARY.

Letters (about 150), chiefly to Rev. Nathaniel Whittaker, from Lord Dartmouth Whitfield, the evangelist, Governor John Wentworth, and others.

#### VERMONT.

##### *Burlington.*

#### UNIVERSITY OF VERMONT.

Charter of Cumberland County, issued by George III, March 19, 1768.

## MASSACHUSETTS.

*Bedford.*

## BEDFORD HISTORICAL SOCIETY.

1. Unrecorded deeds.
2. Military rolls.
3. Bill of sale of negro slave in this town, etc.

*Boston.*

## AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

Letters, reports, etc., from missionaries among the North American Indians.

## BOSTON ATHENÆUM.

## A. MSS. of Ezekiel Price.

1. Notarial records of William Aspinwall, December 30, 1644, to July 4, 1651, 1 volume; of Samuel Tyley, April 2, 1731, to February 26, 1744, and of Ezekiel Goldthwaite, December 2, 1748, to March 11, 1754, 1 volume; of Ezekiel Price, June 1, 1754, to August 22, 1780, 14 volumes.
2. Business papers of Ezekiel Price and others.
3. Certified accounts sent from England to Ezekiel Price, of Boston, for collection.
4. Commissions to Ezekiel Price, 1754 to 1802.
5. Papers relating to Boston: Census of Boston, 1765; state of treasury, March 11, 1774; records of council held at Falmouth, June 26, 1754, to July 2, July 26, August 5, and September 4.
6. Records of the county court at Boston, October 31, 1671, to April 1, 1680, 1 volume; also a few papers of the Court of Admiralty, several deeds, etc., 1719 to 1797.
7. Massachusetts State papers: Message of Governor Hutchinson, August 25 1771; list of persons supposed to be inimical (March 4, 1778); letter of Count d'Estaing to John Avery, September 19, 1778; letter of Washington to senate and house of representatives of Massachusetts, August 10, 1783, etc.
8. Powers of attorney to Ezekiel Price and others, 1756 to 1786.
9. Records of the general court, etc., respecting the north precinct of Braintree (1629-1649).
10. Answers to queries sent by Lords of Trade to Governor Philipps of Nova Scotia, December, 1729, and to Paul Mascarene, Lieutenant-governor of Annapolis Royal, May 24, 1748.
11. Miscellaneous MSS.: "Queries relating to His Majesty's Plantations on the Continent of America," 2 pp.; letter from A. Savage to Ezekiel Price, August 20, 1758, giving an account of "Rogers's Fight," and operations at Lake George; letter from Vergennes to John Adams, February 21, 1779; also a translation; etc., etc.

## B. MSS. of Judge John Davis.

1. Circuit court docket, October, 1804, to March, 1833, 31 note books.
2. Letters to Judge Davis (chiefly in 1841), from Rufus Choate, Daniel Webster, G. G. Bigelow, President Quincy, William Watson (1798); also copies of letters to Webster, June 8 and July 10, 1841.
3. Notes of cases; memorandum book of John Davis, attorney, 1785; etc.

## C. MSS. of Rev. Joseph Stevens Buckminster, D. D.:

1. Journal of travels on the Continent, December 1, 1803-September 3, 1806.
2. Diary, December 7, 1803-November 24, 1805; MSS. sermons, etc.

## D. Miscellaneous MSS.

1. Muster roll, accounts, etc., of Maj. Moses Deshon, 1756-1765; includes orderly-book, May 7, 1756 to June 24.
2. Notes of Henry Ingersoll on Miranda's expedition, 1 volume (56 pp.) + 10 pp. loose; accompanied by letter of the author, October 28, 1839, to J. L. O'Sullivan, relating to the notes.

BOSTON ATHENÆUM—Continued.

D. Miscellaneous MSS.—Continued.

3. Letters: Franklin to his mother, April 12, 1750; Washington to General Schuyler, October 27, 1781; Governor Leverett to Governor Winslow, July 6, 1674, and June 23, 1675; Captain Cudworth to Governor Winslow, June 27, 1675; Charles II to Rhode Island, in regard to privateers and pirates, March 8, 1684.

4. Wamsutta's grand deed for lands of Pocasset, July 20, 1662.

5. Inferior court of common pleas (Massachusetts), "Fifth book of executions," November 3, 1763–November, 1771.

6. General Laws and Liberties of the Massachusetts Colony, printed in 1672. This volume belonged to Elisha Hutchinson, and contains a number of MSS. in his handwriting, all but three of which have been printed, namely: (1) Copy of King Charles's letter from Hampton Court, June 28, 1662; (2) answer of a committee of the general court to matters touching their liberties, June 10, 1661; (3) order in council, Whitehall, July 20, 1677.

7. "Comptroller's vade mecum" (Salem custom-house), containing lists of officers, lists of fees, etc. Miscellaneous business papers.

8. Memorandum book of Baptist minister in Charlestown, containing sundry lists (church members, old inhabitants, etc.), 1774–1806. Weather diaries, log books, etc.

E. Charlestown Navy-Yard memoranda, consisting of various account books, etc., 1798–99.

[MASSACHUSETTS HISTORICAL SOCIETY. Proceedings, second series, Vol. VI, pp. 391, 392.

List of MSS. given to the society by Mr. Parkman, April 9, 1891.

— Proceedings, second series, Vol. VIII, p. 171.

Account of MSS. presented to the society by Francis Parkman, April 11, 1893. Page 415, brief description of additional MSS. donated by Mr. Parkman.

— Proceedings, second series, Vol. IX, pp. 97–98.

Account by Samuel A. Green of some MSS. among the Suffolk court files.

— Proceedings, second series, Vol. IX, p. 193.

Brief description of some MS. plans in the possession of the society.

— Proceedings, second series, Vol. X, p. 123.

Brief account of a collection of letters and autographs presented to the society by Mr. and Mrs. Alexander C. Washburn.

— Proceedings, second series, Vol. X, p. 472.

List of volumes of letters and autographs presented to the society in March, 1896, by R. C. Winthrop.

— Proceedings, second series, Vol. XI, pp. 67–68.

Brief description of collection of MSS., etc., of John Langdon Sibley presented to the society. (Relate chiefly to Harvard College.)

— Proceedings, second series, Vol. XI, p. 184.

List of some volumes of MSS. in the Boston Athenæum.

— Proceedings, second series, Vol. XI, pp. 221–224.

Account of the MSS. of James Otis, formerly in possession of the society, and list of those retained.]

*Brookline.*

BROOKLINE PUBLIC LIBRARY.

1. Revolutionary receipts.
2. Revolutionary commissions.
3. Militia rolls and records.
4. Civil war letters.

*Medford.*

## PUBLIC LIBRARY.

1. Letter from General Washington to Lieutenant-Colonel Brooks, March 24, 1778, stating appointment of Baron Steuben and four subinspectors, etc.
2. Letter from Count Rumford to General Brooks thanking him for kindness to Count Rumford's daughter.
3. Diary of Rev. David Osgood, D. D., of Medford, Mass., from January 1, 1777, to December 8, 1822 (with part of 1776).

*Nantucket.*

## [NANTUCKET HISTORICAL ASSOCIATION. Bulletins, Vol. I, No. 2 (1898).

Brief account of the Timothy White Papers in possession of the society, by Myron Samuel Dudley.]

*South Natick.*

## HISTORICAL NATURAL HISTORY AND LIBRARY SOCIETY.

- A few old account books of local traders.
- A collection of papers of Governor Caleb Strong.

*Wakefield.*

## WAKEFIELD HISTORICAL SOCIETY.

Diary of resident of Wakefield, stationed at West Point, describing briefly the treachery of Arnold and the capture and execution of Major André, etc.

*Westfield.*

## WESTFIELD ATHENÆUM.

1. Diary of Rev. John Ballantine.
2. Papers belonging to Col. or Gen. William Shepard (account book, orderly book, and letters).
3. Papers belonging to Lieut. Russell Dewey (chiefly letters).
4. Returns from various companies, about 1792.
5. Petition of Jonathan Burt to John Hancock to be retired from active service.
6. Pickering's speech to the Six Nations, 1794.
7. Memorandum book of stores sold at Penobscot, 1796.
7. Sermons of Rev. Timothy Cooley (3); funeral of Gen. Warham Parks; notes of sermons by Professor Kellogg, etc.

*Deerfield.*

## MUSEUM OF THE POCUMTUCK VALLEY MEMORIAL ASSOCIATION.

1. Many account books, 1732-1828.
2. Orderly-book, French and Indian war.
3. Orderly-book, about 1780; also returns, reports, etc.
4. Diary of a medical student, 1773-1775.
5. Letter-book of Colonel Pickering.
6. Letter-book of General Hand.
7. Letters (personal), 1712.
8. Probate papers, 1690.
9. Deeds, 1665 —.

## RHODE ISLAND.

*Newport.*

## REDWOOD LIBRARY AND ATHENÆUM.

1. Diary of Thomas B. Hazard, 1778-1786; 1790-1800; 1804-1810.
2. Journal of John Forsberg, on board the brig *Yankee*, 1812.
3. Company book of Capt. Z. King, Seventh Massachusetts Regiment, Army of the Revolution, 1781, 1783, 2 volumes.
4. Order book of Gen. John Sullivan, by Adj. Josiah Fletcher, 1778.

CONNECTICUT.

Hartford.

CASE MEMORIAL LIBRARY.

1. Correspondence of Joseph Bellamy.
2. Autograph letters, etc., of Augustus C. Thompson.
3. Letters and papers of Asahel Nettleton.
4. Sermons of Robert G. Vermilye.
5. Various odd sermons and papers.
6. Letters and papers relating to the early history of the Hartford Theological Seminary.

New Haven.

LIBRARY OF YALE UNIVERSITY.

1. Papers of Rev. Ezra Stiles.
2. Miscellaneous papers of Rev. Benjamin Trumbull.
3. Correspondence of David Daggett.
4. Portion of correspondence of Rev. Jared Elliot, of Killingworth, Conn. (1742-1769).
5. Portion of correspondence of Tapping Reeve, of Litchfield, Conn. (1775-1820).
6. Account books of William Lyon, of Boston (1713-1721) and New Haven.

NEW YORK.

Albany.

[1. State Library Reports which mention MSS.

1847. SENATE DOCUMENT 21. State Library Report, pages 4 and 34.  
Journals of the Albany County committee of safety, purchased of heirs of Matthew Viescher; also Journals of "Proceedings against suspected persons."
1850. SENATE DOCUMENT 29. State Library Report, page 7. Sir William Johnson's papers.  
In the Documentary History of New York, Volume II, page 1008, Dr. O'Callaghan states, "On the 16th of April, 1801, seven bundles of Sir William Johnson's Papers were deposited in the secretary's office," with the list of the contents of each bundle. What remain of these MSS. are now published (i. e., on pages 545-1007 of Vol. II, Doc. Hist.). A list of missing pages is also given.  
These papers here referred to by Dr. O'Callaghan are not what are generally called the "Johnson Papers," which were acquired later of Gen. John Tayler Cooper. The papers here alluded to by Dr. O'Callaghan and printed in the Documentary History are scattered through the New York colonial MSS. as arranged by him (1849-1853).
1851. SENATE DOCUMENT 25. State Library Report.  
Gift of Sir William Johnson Papers by Gen. John Tayler Cooper.
1851. SENATE DOCUMENT 25. State Library Report, page 154.  
Minutes of "Commissioners for enquiring into, detecting, and defeating all conspiracies against the State," presented by Dr. Thomas Hun.
1852. SENATE DOCUMENT 93.  
Page 8. MSS. of the Rev. Eliardus Westerlo presented to library. Page 272. "Johnson Papers have been bound, and will be catalogued." Page 273. Letter book of Henry Glen, deputy commissary-general, July 6, 1776-February 24, 1780, presented by Giles F. Yates, of Schenectady.
1854. ASSEMBLY DOCUMENT 138. Page 151.  
Papers of Hart Nassey, collector at Oswego during the embargo.  
Papers of Daniel W. Church, adjutant of Lieut. Col. Thomas B. Benedict's Fifteenth Regiment New York Detached Militia, 1812.  
Muster roll of Capt. Thomas Ord's artillery (Colonial).  
Albany County committee of safety.



1856. SENATE DOCUMENT 29. State Library Report, pages 7, 8.  
Tells of first purchase of Clinton Papers. (See Laws of 1853, chapter 615, page 1156.)
1868. SENATE DOCUMENT 83. State Library Report, page 8.  
Four volumes of Johnson Papers added.
1871. ASSEMBLY DOCUMENT 40. State Library Report, page viii.  
Index to Johnson Papers completed.
1874. SENATE DOCUMENT 36. Fifty-sixth Report of State Library, Appendix C, pages 115-138.  
Catalogue of MSS. added since 1856.
1876. SENATE DOCUMENT 36. Fifty-eighth Report of State Library, page 8.  
Purchase of Stevens Papers.
1882. SENATE DOCUMENT 36. Sixty-fourth Report of State Library, page 145.  
Report of George W. Clinton on 23 volumes of Clinton Papers. See also Assembly Document 22. 1882. Special Report of G. W. Clinton to legislature.
1883. ASSEMBLY DOCUMENT 28. Sixty-fifth Report of State Library, pages 10-14.  
Report on Clinton Papers by G. W. Clinton. Dr. Homes says (page 8, January 11, 1882) that the MSS. supposed to be turned over to the library from secretary of state, under chap. 120, Laws of 1881, "still remain in one of the rooms of the State Hall."
1884. SENATE DOCUMENT 14. Sixty-sixth Report of State Library, pages 10, 12.  
Additions to Clinton Papers, pages 23, 24. Report on MSS. by B. Fernow.
1885. SENATE DOCUMENT 20. Sixty-seventh Report of State Library, pages 14, 15.  
Brief description by Dr. Homes of the Tompkins Papers.  
Gen. John Lacey MSS. purchased of Henry B. Dawson. Uselinx MSS. purchased of Henry C. Murphy.
1886. SENATE DOCUMENT 8. Sixty-eighth Report of State Library, pages 7, 8, 9.  
Tompkins Papers, Stevens Papers, Clinton Papers.
1887. SENATE DOCUMENT 15. Sixty-ninth Report of State Library, pages 9, 10.  
Kingston MSS. purchased of Mr. Van Gasbeek.
1888. SENATE DOCUMENT 15. Seventieth Report of State Library, page xiii.  
Purchase of Uselinx MSS.
1891. SENATE DOCUMENT 74. Seventy-third Report of State Library, page 27.  
Report of George Rogers Howell on MSS. says, "On a count of this collection made in November of this year (1890) 1,243 separate volumes were found; also mentions French MSS. lately acquired.
1892. SENATE DOCUMENT 8. Seventy-fourth Report of State Library, page 21.  
Report of G. R. Howell on MSS.
1893. SENATE DOCUMENT 8. Seventy-fifth Report of State Library, pages 20-24.  
Report of G. R. Howell on MSS.—"MSS. estimated at 250,000."

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1894. ASSEMBLY DOCUMENT 96. Seventy-sixth Report, page 18.  
Report on MSS.
1895. SENATE DOCUMENT 64. Seventy-seventh Report, pages 13, 14.  
Report on MSS.
1896. SENATE DOCUMENT 52. Seventy-eighth Report, pages 10, 11.  
Report on MSS. Muster rolls of Col. Elisha Sheldon's Continental Light Dragoons, by Mrs. Ellen Hardin Walworth.
1897. SENATE DOCUMENT 47. Seventy-ninth Report, pages 13, 14.  
Report on MSS.
1898. SENATE DOCUMENT 47. Eightieth Report, pages 18, 19.  
Report on MSS.]
- [2. Other State documents.
1820. SENATE DOCUMENT 2, (or Senate Journal, 1820, pages 13-51).  
"Report of the secretary of state (John Van Ness Yates) relative to the records in his office" and "A catalogue of records in the office of the secretary of state of New York on the 1st day of January, 1820." This is by far the most thorough and exhaustive treatise on the archives of the State of New York ever printed. Mr. Yates makes frequent extracts from the "Annalium Thesaurus," a MS. history of the New York archives, compiled by him, which is now (1899) in the secretary's office. "Too much can not be said in praise of this report. It is strange that it has entirely escaped the notice of historians. It needs to be read to be appreciated at its true value." (Mr. Noble.)
1842. SENATE DOCUMENT 2 D (Assembly Document 2 D). Pages 147-158.  
"The Hague, 25th October, 1841."
1842. SENATE DOCUMENT 106 C (Assembly Document 195 C). Pages 31-113.  
"Paris, 12th July, 1842."  
"List of documents relating to the colony of New York, found in the archives in London from 1664 to 1718."
1843. SENATE DOCUMENT 2 A, Assembly Document 2 A. Pages 3, 4.  
London, December 3, 1842.
1844. SENATE DOCUMENT 42.  
Report of the select committee on so much of the governor's message as relates to Brodhead's report, dated February 3. 11 pages. Highly censorious; gives extracts from, with sarcastic comments.
1845. SENATE DOCUMENT 47. February 12. 374 pages.  
List of Holland Documents and London Documents.  
Mr. Brodhead's address before the New York Historical Society, November 20, 1844. New York. Press of the New York Historical Society.  
Documents Relating to the Colonial History of the State of New York. Vol. I. General introduction by John Romeyn Brodhead. xlv pages. Contains some account of the New York archives. Pages xlix and l contain lists of "Royal archives at The Hague" and "Archives of the city of Amsterdam."
1849. ASSEMBLY DOCUMENT 188.  
Report of Christopher Morgan, secretary of state, on the MSS. in his office. 4 pages.
1853. SENATE DOCUMENT 24. Pages 12-14.  
Report of Dr. E. B. O'Callaghan on MSS. in the office of the secretary of state.
1859. CATALOGUE OF MAPS AND SURVEYS  
In the offices of the secretary of state, state engineer, and comptroller, and in the State library. Compiled by David E. E. Mix, C. E., under the direction of the secretary of state. Albany. 1859. 375 pages.

## 1864. SENATE DOCUMENT, 46.

Report of Chauncey M. Depew, secretary of state, on the MSS. in his office. 6 pages.

INDEX to volumes 1, 2, and 3 of the volumes of translations of Dutch manuscripts in the office of the secretary of state of the State of New York by E. B. O'Callaghan. Albany, 1870. 118 pages.

## CHAPTER 120, LAWS OF 1881.

Gives a list of manuscript records to be turned over to the State library by the secretary of state and comptroller.

NEW YORK GENEALOGICAL and Biographical Record. Vol. XX, No. 3. July, 1889. Pages 106-113.

Archives of the State of New York, by Berthold Fernow, late keeper of the historical records.

CALENDAR of wills on file and recorded in the office of the clerk of the court of appeals, of the county clerk at Albany, and of the secretary of state, 1626-1836.

Compiled and edited by Berthold Fernow, late State archivist of New York, under the auspices of the Colonial Dames of the State of New York, and published by the Society of New York. MDCCCXCVI.

1896. ASSEMBLY DOCUMENT 3. Annual report of James A. Roberts, State comptroller, pages xxviii-xxx.

Contain some account of Revolutionary papers in his office.

1897. ASSEMBLY DOCUMENT 3. Pages lii-lvi, and Assembly Document 3, 1898, pages xlvii-li, same as above.

1899. ASSEMBLY DOCUMENT 3. Pages xxxviii-xliv.

Gives a brief table of contents of 39 folio volumes of Revolutionary papers in his office.

NEW YORK in the Revolution as colony and State. By James A. Roberts, comptroller. Albany, 1897. 261 pages.

Preface (pages xi) contains some account of Revolutionary records in his office.

NEW YORK in the Revolution as colony and State. 2d edition. Albany, 1898.

In preface pages 13-15 "Additional note for the second edition," some account of Revolutionary records in his office; also on pages 274, 275 "Contents of the (thirty) volumes of original documents in the office of the State comptroller."

ALBANY INSTITUTE TRANSACTIONS. Volume XI. Pages 223-240.

Paper read before the Albany Institute, November 15, 1885, by Henry A. Homes, LL.D., State librarian, "On the Correspondence of Governor D. D. Tompkins, lately acquired by the State." Description of 15 volumes of MSS. and 2,000 letters and loose papers.

LIST OF LETTERS received by the late Governor Tompkins between the years 1807 and 1817, both years inclusive, together with the names of the places from which they were written. 47 pages, compiled by Henry A. Homes, LL.D., State librarian.

"NAMES of persons for whom marriage licenses were issued by the secretary of state of the province of New York previous to 1784." Printed by order of Gideon J. Tucker, secretary of state. Albany, 1860 (with a historical introduction by Dr. E. B. O'Callaghan).

REGENTS' HISTORY BULLETIN No. 1. "Supplementary list of marriage licenses." Albany, 1898. 50 pages.

## REPORT OF HISTORICAL MANUSCRIPTS COMMISSION. 581

CATALOGUE of records of the office of the secretary of state, with information pertaining to the office. Compiled by F. G. Jewett, under the direction of John Palmer, secretary of state. Albany, 1898. 142 pages.

REGENTS' HISTORY BULLETIN. No. 2. Colonial records.

"General entries." Volume I (partly a transcript and partly a calendar of the volume) in press.]

### *Buffalo.*

[BUFFALO HISTORICAL SOCIETY. Annual report of board of managers. 1896. Pages 22.

Mention of 15 volumes of Buffalo military records acquired by the society.

———. Annual report of board of managers, 1897. Pages 28.

Mention of Morris Bryant Pierce book of autographs acquired by the society.

———. Publications, Vol. IV, Pages 416-424.

Description of the records of the "Board of Trade" Regiment in possession of the society.]

### *New York City.*

NEW YORK PUBLIC LIBRARY. See its bulletins. Volumes I-III, 1897-99.

### *West Point.*

UNITED STATES MILITARY ACADEMY. General orders. 8 volumes.

Orders of Gen. Anthony Wayne, May 24, 1792-December 15, 1795, vols. 1 to IX; orders of Gen. James Wilkinson, December 15, 1795-August 25, 1797, vols. IX to X. Vols. II and V are lacking.

## NEW JERSEY.

### *New Brunswick.*

THE SAGE LIBRARY, THEOLOGICAL SEMINARY.

1. The Amsterdam correspondence (in Dutch); letters of the Dutch churches in America and the home church government at Amsterdam. (In prospect of translation and publication.)

2. Books, records, and MSS. of Dutch churches in New York and Long Island.

### *Vineland.*

VINELAND HISTORICAL AND ANTIQUARIAN SOCIETY.

MSS. relating to the early history of the town (founded 1861).

## PENNSYLVANIA.

### *Harrisburg.*

DAUPHIN COUNTY HISTORICAL SOCIETY.

1. Original subscription paper of the Pennsylvania State Association of the Cincinnati (meeting held at City Tavern, Philadelphia, October 13, 1783).

2. Original papers concerning the mill-dam troubles at Harrisburg, 1795.

3. Original papers relative to the Harrisburg Academy, 1810-1858.

4. Papers concerning Dauphin County and the early history of Harrisburg.

### *Philadelphia.*

LIBRARY OF THE COLLEGE OF PHYSICIANS OF PHILADELPHIA.

1. Lecture on the life of Sanctorius Sauctorius, once professor of the theory of medicine in the University of Padua, delivered November 15, MDCCXLIX, at the annual commencement of studies.

2. Daybooks of Drs. Thomas and Phineas Bond, 1751-1756, 5 volumes.

3. Sketch of the yellow fever of 1762.

4. Short account of the sickness in Philadelphia in 1783, by James Pemberton.

5. Letters, etc., relating to the yellow fever in Philadelphia between 1787 and 1820.

## LIBRARY OF THE COLLEGE OF PHYSICIANS OF PHILADELPHIA—Cont'd.

6. Diary of Dr. Griffiths, giving an account of the epidemic of yellow fever in Philadelphia in 1798.
7. Gilbert collection of MS. letters, presented by Dr. S. Weir Mitchell, 4 volumes.
8. A collection of autograph letters and portraits, chiefly of scientific men. (Carson collection) 5 volumes.
9. A collection of letters, etc., relating to the University of Edinburgh. (Carson collection) 1 volume.
10. Biographical sketches of members of the college, 1836, 6 volumes.
11. Letters of Dr. Caspar Wistar. (Carson collection.)
12. MS. supposed to relate to the early history of Jefferson Medical College.
13. History of the medical department of the University of Pennsylvania from its foundation (1765), with sketches of the lives of deceased professors.

## DREXEL INSTITUTE.

1. Address of President Grant at opening of Centennial Exhibition, May 10, 1876.
2. Account books of Andrew Johnson, kept when he was a tailor in Greeneville, Tenn., 2 volumes.
3. Sermon of Cotton Mather, dated "5 d., 7 m., 1703."
4. Autograph letters of the Presidents from Washington to Hayes, mostly private, include letter of Lincoln to McClellan, April 9, 1862.
5. Numerous letters of Americans.

## DISTRICT OF COLUMBIA.

*Washington.*SOCIETY OF THE OLDEST INHABITANTS OF THE DISTRICT OF COLUMBIA.  
A variety of MSS. (orations, essays, etc.).

## LIBRARY OF CONGRESS.

Account of manuscripts in the Library of Congress, by Dr. Herbert Friedewald, Superintendent of Manuscript Department. Printed in Report of the American Historical Association for 1898.

## WEST VIRGINIA.

*Morgantown.*

## WEST VIRGINIA HISTORICAL AND ANTIQUARIAN SOCIETY.

1. Washington's Farewell Address to Virginia Assembly, December 27, 1796.
2. Letter from Washington to unknown person relative to lands west of the Alleghanies (1771).
3. Letter of Washington to John Nicholas, November 30, 1797.
4. Letter of Thomas Jefferson to unknown, January 28, 1804, accepting draft.
5. Letter to Jefferson from \_\_\_\_\_ asking indulgence on note.
6. Letter of Jefferson to Mr. Higginbotham, December 22, 1815, regarding crops, taxes, and hard times.
7. Letter from Lafayette to Ludwell Lee, dated "Washington, August 29, 1803." (Farewell letter before leaving America.)
8. Letter from Henry Clay to gentleman at Charleston, W. Va., August 11, 1831, accepting invitation to visit Charleston.
9. Letters of Buchanan, Van Buren, and Cass in response to invitation of "Anti-Bank Democratic Citizens of Pittsburg and Alleghany County" to attend the celebration of the victory of New Orleans. (Toasts to Democratic party, eulogy of Jackson, etc.)
10. Order of Gen. Robert E. Lee to General Breckenridge, relative to reception of prisoners by General Bragg. (One of Lee's last orders, in his own handwriting.)
11. Report of survey made and signed by Daniel Boone of land on Great Kanawha River (June, 1791).
12. Parchment deed executed and signed by Benjamin Franklin, March 14, 1788.

*NORTH CAROLINA.*

*Durham.*

**HISTORICAL SOCIETY OF TRINITY COLLEGE.**

1. MSS. dealing with organization of companies in North Carolina in the civil war.
2. Diary of D. W. Bagley containing an account of events in Bertie County during the civil war.
3. Letters of Gen. Jeremiah Slade in reference to the departure of the Tuscarora Indians from North Carolina.
4. Letters illustrative of student life at Chapel Hill, N. C., during the years just preceding the civil war.
5. Ditto, Greensboro Female College.
6. MSS. relating to reconstruction in North Carolina, chiefly relative to the Ku Klux.
7. Autographs of prominent North Carolinians.
8. Account books (this century).
9. Many MSS. on anti-slavery leaders of North Carolina.

*MISSISSIPPI.*

*Oxford.*

**UNIVERSITY OF MISSISSIPPI.**

Has several volumes of the papers of Governor W. C. Claiborne.

*LOUISIANA.*

*New Orleans.*

**LIBRARY OF TULANE UNIVERSITY.** (Louisiana Historical Society, custodian.)

1. Numerous vols., of copies of documents from French archives made in 1848-50.
2. Fifty boxes of MSS., the property of the State (many notarial documents).

*OHIO.*

*Cincinnati.*

**[HISTORICAL AND PHILOSOPHICAL SOCIETY OF OHIO. Annual Report for 1895. Page 5.**

Brief mention of some letters added.

———. **Annual Report for 1897. Pages 3-7.**

Description of various collections of MSS. received. The Follett Papers, papers donated by Robert Clarke, MSS. relating to slavery.]

*Marietta.*

**WOMAN'S CENTENNIAL ASSOCIATION.**

Two autograph letters of General Washington; one of Henry Clay.

*INDIANA.*

*Crawfordsville.*

**WARASH COLLEGE LIBRARY.**

Some MSS. of local interest.

*ILLINOIS.*

*Chicago.*

**[CHICAGO HISTORICAL SOCIETY. Report of quarterly meeting, Jan. 19, 1897. Page 128.**

Mention of a few MS. acquisitions.]

Miss Caroline Hazard, of Peace Dale, R. I., wrote:

"Records of the South Kingstown Monthly Meeting, 1743 to 1850, eight volumes, are now in the Hazard Memorial, Peace Dale, R. I. Miss Caroline Hazard has permission to examine and use them. Similar permission would doubtless be given to other students by the clerk of the meeting. Miss Hazard has a history of the Meeting finished, which is to be published. A diary of Thomas B. Hazard is in possession of the Redwood Library, Newport."

The Rev. Dr. Samuel Hart, of Trinity College, Hartford, Conn., wrote:

"I have in my possession or custody, as registrar of the diocese of Connecticut, the unpublished minutes of the Convocation of the Episcopal Clergy of Connecticut (as distinguished from the Convention of the Clergy and Laity). The extant records begin in 1790 and continue until 1830, with a few notes of later meetings."

Mr. Berthold Fernow wrote from Albany, N. Y.:

"I have to report that the Van Rensselaer Land Company here has over 2,000 papers in their office, the old Manor office, of which a few years ago I made a calendar for private purposes. These papers, beginning in 1643, consist of—

"1. Letters written by Jeremias van Rensselaer, the American ancestor, to his mother, brothers, etc., in Holland, and to his father-in-law in New York.

"2. Letters to him from various parties.

"3. Official documents of the same period.

"4. Books, account books, court minutes.

"5. Various letters of later times up to 1815.

"Mr. George Waddington, 120 Broadway, New York, has in his charge for a descendant of a brother of Jeremias van Rensselaer's mother the letter book of Kilian van Rensselaer, the father of Jeremias, covering the period from 1630 to 1643."

The Rev. Horatio Oliver Ladd, of Fishkill, N. Y., wrote:

"Valuable unpublished manuscript pertaining to the Spanish occupation of New Mexico and the American occupation of New Mexico are in the Territorial library at Santa Fe, N. Mex. A few years ago they were arranged, sorted, and culled at the expense of the Territory by Mr. A. F. Bandelier, archaeologist. Hon. L. Bradford Prince, Santa Fe, N. Mex., can give detailed information about these. Mr. Bandelier has valuable papers and collections of documents and more knowledge than anyone else I know of the preservations by the Franciscans in their missions in New Mexico and Mexico.

"There are numerous papers in my possession which have been in the Wharton House, Fishkill, N. Y., formerly headquarters of the officers in command of the Revolutionary Army stationed here under Putnam and other officers in General Washington's army (1769-82), and the committee of safety, committee of sequestration, etc. They embrace:

"1. Letters to and from the committee of sequestration, 1776-82.

"2. The original list of confiscated property sold, with prices secured and names of the owners.

"3. The entire tax list, with warrant to collector, of every taxable citizen and property in Dutchess County, N. Y., 1769.

"4. Private accounts, bonds, indentures, deeds, and letters of members of the committee of sequestration, 1774-82.

"These papers contain notices of persons mentioned as refugees, enemies to their country, references to charges, and reports against public and private individuals, and location of the British. The papers are well preserved and legible."

William Nelson, esq., corresponding secretary of the New Jersey Historical Society, wrote from Patterson, N. J.:

"I have the Dickerson Papers: About 2,000 letters; correspondence of Mahlon Dickerson and Philemon Dickerson, of New Jersey, 1800-1856; comprising official correspondence and private letters, many of the latter being confidential letters to and from the most prominent men of the day, including Presidents, cabinet officers, Congressmen, etc. The Dickersons usually preserved copies of their own important letters, and so this collection includes both sides of important correspondence. There are very many letters about the Broad-Seal controversy of 1838.

"New Jersey Papers: About 1,000, miscellaneous, including (a) autographs of all the governors (with two or three exceptions) from 1685; (b) Revolutionary correspondence, rosters, returns of regiments, quartermasters, etc; (c) autographs of distinguished lawyers, clergymen, Congressmen, etc.; (d) miscellaneous. The autographs referred to have been collected for their historical value, not merely as curiosities.

"The Southard Papers (Samuel L. Southard): (a) MS. speeches; (b) correspondence. I have not examined their papers since purchasing them, and can not indicate their character more precisely.

"Miscellaneous Papers: Autographs of all the Presidents, with two or three exceptions; most of them interesting."

Charles H. Browning, esq., of Ardmore, Montgomery County, Pa., wrote: "I have only journals of my father, Robert Lewright Browning, lieutenant, United States Navy, drowned in California, 1850:

"1. A horseback trip, New York to St. Louis, Mo., and return to Washington City, 1829-30.

"2. Journal of cruise of U. S. S. *Vincennes*, circumnavigating, 1833-1836.

"3. Journal of cruise of U. S. S. *Ohio*, in the Mediterranean, 1838-1840, flagship of Commodore Hull.

"4. Journal of cruise of U. S. S. *Congress*, 1842-1845. Her first cruise, Mediterranean and Brazil.

"5. Account of overland journey with Mr. John Audubon and others to California, 1849-1850, via Mexico and Southern California.

"N. B.—Part of No. 2 was printed in the United Service Magazine, of New York. Short extracts from Nos. 3 and 4 have been printed in the Army and Navy Journal, of New York. First part of No. 5 was put into type by Mr. Audubon, but not issued."

Mr. Stephen B. Weeks, of the Bureau of Education, Washington, D. C., wrote:

"1. Correspondence of Willie P. Mangum, Senator from North Carolina and President of the Senate, covering the period from about 1820 to 1860. This correspondence includes letters of political and public interest from most of the men who were in public life in North Carolina during that period, mostly on political, but also on economic, educational, and social matters. It also includes letters from Clay, Crittenden, Webster, Lincoln, Bell, Winthrop, James Watson Webb, and others, on matters relating to public affairs. This material will be used in my forthcoming Life of Mangum.



"2. MS. History of Methodism in North Carolina up to 1866 by Rev. Péter Doubb. This history was printed in part just after the war. I have the original MS. of the part that was never printed.

"3. MS. History of Methodism in the Yadkin Valley, North Carolina, by Rev. M. L. Wood; never printed. Two MS. copies exist, one besides my own.

"4. Diary of Rev. Jeremiah Norman, a pioneer Methodist preacher in the southeastern part of North Carolina. The diary extends over the years 1792 to 1805, but is not continuous. There is much in it relating to Methodist history not to be found elsewhere.

"5. Original commission, issued on February 8, 1693 to Daniel Akehurst as secretary of the province north and east of the Cape Fear River, (North Carolina); signed by John Archdale, Earl Craven, Lord Carteret, and other proprietors. Published in the National Magazine, August, 1892.

"6. Records of the justices' court of Perquimans County, N. C., from about 1750 to about 1770; of value in showing the ways and means of conducting the business of the smallest unit of government then in existence in the colony.

"7. Autograph letters of many North Carolinians of the first half of this century.

"8. Reconstruction in North Carolina by Daniel R. Goodloe, together with the history of reconstruction in the other Southern States by Daniel R. Goodloe. This history was the basis of the work on reconstruction by S. S. Cox in his Three Decades of Federal Legislation. The subject was treated fully by Mr. Goodloe. Mr. Cox took such portions of this work as pleased him, and I have the parts which he did not take.

"9. Pay rolls of some North Carolina regiments in the civil war (Confederate), and which are necessary to complete the roster of North Carolina troops in that war. A considerable lot of papers of a Confederate States Army quartermaster, showing methods of supplying the army, cost of supplies, etc.

"10. MS. relating to the career of Gen. Joseph Martin. The greater part of this has been printed already in my paper in the Report of the American Historical Association for 1894, entitled "Gen. Joseph Martin and the War of the Revolution in the West." Some items of interest and value, relating to the battle of Point Pleasant, the battle of King's Mountain, the early settlement of Tennessee, and some sketches of the pioneers have not been printed.

"The MSS., as well as my large collection of Caroliniana, would be open to students, under the proper restrictions, who came properly recommended, and who were not personally distasteful to me."

Mrs. R. Kenna Campbell, of Brems Bluff Post-office, Fluvanna County, Va., possesses the original correspondence between Mr. Jefferson and her great uncle, Joseph C. Cabell, relating to the building of the University of Virginia. The collection comprises 70 letters of Mr. Jefferson, and Mr. Cabell's replies.

Prof. J. S. Bassett, of Trinity College, Durham, N. C., wrote:

"I have, as custodian for the Roanoke Colony Memorial Association, a letter from General Greene to Gen. Jethro Sumner a few days after the battle of Guilford Court-house, giving directions as to further movements. I do not think it has been printed.

"As custodian for the Trinity College Historical Society, I have a number of letters from the chiefs and commissioners to settle with the Tuscarora Indians on the part of the State of North Carolina. Also a valuable diary kept during the civil war illustrating conditions in the Confederacy. Also a number of family letters from Tennessee, Georgia, and Louisiana, from persons who had gone to those Territories in the early part of this century.

"There are many papers and letters of great value in the auditor's office in Raleigh, N. C., that relate to Revolutionary matters."

Edward I. Renick, esq., of 609 Fourteenth street NW., Washington, D. C., formerly chief clerk of the Department of State, gave the following as the contents of a volume of South Carolina Miscellanea, consisting of copies kept by Christopher Gadsden, now possessed by Mr. Renick:

1. Letter from John Rattray, dated Charlestown, January 8, 1761, to Col. Thomas Middleton, of the South Carolina Regiment.
2. Governor William Bull to same, January 10, 1761.
3. Same to same, March 31, 1761.
4. Middleton to Col. James Grant, July 10, 1761.
5. James Grant to Middleton, July 10, 1761.
6. Middleton to Grant, July 19, 1761.
7. Governor Bull to Colonel Grant, April 10, 1761.

The above are relative to Cherokee war, and differences between Middleton, colonel of provincials, and Grant, colonel of the regulars.

8. Christopher Gadsden to William Henry Drayton, September 22, 1778.
9. Christopher Gadsden's letter to Hon. Thomas Bee, speaker to the honorable house of assembly of the State of South Carolina, resigning the vice-presidency, dated October 5, 1778.
10. Christopher Gadsden to Mr. Drayton, October 14, 1778.
11. Supplement to the South Carolina Gazette (number 1428) Friday, December 18, 1761, containing a letter of "Philopatrics," dated "Farm, December 17, 1761," addressed to Mr. Timothy, concerning Colonel Grant's treaty with the Cherokees.
12. Extract from the London Gazette, No. 10140, Whitehall, September 19, concerning the operations against the Cherokees, as given in a letter from Sir Jeffrey Amherst, dated August 13.
13. Second letter from "Philopatrics" (printed), dated March 26, 1762, in 88 pages. (This is Some Observations on the Two Campaigns against the Cherokee Indians in 1760 and 1761. In a second letter from Philopatrics, Charles-Town, Printed and sold by Peter Timothy MDCCLXII.)
14. Letter from the Rev. Jacob Duché, of Philadelphia, to General Washington, dated October 8, 1777.
15. Copy of the speech of Hon. John Rutledge, March 5, 1778, before the general assembly, on rejecting the "Act for the Constitution."
16. Christopher Gadsden to William Henry Drayton, March 7, 1778.
17. Resolution of the assembly concerning the speech and resignation of Rutledge.
18. Proceedings of the general assembly of March 11, 1778, returning thanks to Rutledge.
19. Copy of a letter from President John Rutledge to Thomas Bee, speaker of the general assembly, March 13, 1778.
20. Christopher Gadsden to Drayton, June 1, 1778.

21. Christopher Gadsden to Mr. Timothy, June 8, 1778.
22. Christopher Gadsden to Drayton, June 15, 1778.
23. Extract from Brig. Gen. Robert Howe's letter to Congress, dated August 28, 1777, concerning differences between him and Christopher Gadsden. (This letter Gadsden notes that he never saw until June 27, 1778, nor ever heard of.)
24. Christopher Gadsden to Drayton, August 15, 1778.
25. Christopher Gadsden to Thomas Hayward, August 16, 1778.
26. Christopher Gadsden to Drayton, September 9, 1778. (Duel August 30, 1778.)

Mr. George R. Fairbanks, of Fernandina, Fla., wrote:

"1. I have a copy, made from the original in the Spanish archives of Florida, of the Manteano manuscript, being copies of the correspondence between Don Manuel de Manteano, governor of Florida, with the Governor-General of Cuba during the period of the attack upon St. Augustine, Fla., by General Oglethorpe, with a combined land and naval force of English and Colonial troops in 1740."

Thomas M. Owen, esq., of Carrollton, Ala., secretary of the Alabama Historical Society, possesses the papers of Col. John McKee, of James Callier, of Governor William Wyatt Bibb, of Senator John Williams Walker, and of Senator William Blount; also journals of various earlier members of the Owen family, of Thomas Grant, and of the Rev. Ebenezer Hearn. These may at times be examined for special purposes, though any extended use of them by others is impracticable.

William Beer, esq., librarian of the Howard Memorial Library, New Orleans, La., wrote:

"There exist in the State library two volumes of original letters of governors of this State, dating from 1805 to 1829. I have not time at present to examine them, but note should be made of their existence and value.

"The city archives in city hall contain at least fifteen volumes of original MSS. relating to the French and Spanish domination, many of great value.

"The Louisiana Historical Society is the custodian (for the State) of 63 boxes of documents and of several MS. volumes, the latter being copies of documents in French archives in Paris.

"It is desirable to place on record that at L'Orient there are 140 bundles of papers relating to the Compagnie des Indes Occidentales, mostly relating to Louisiana."

Mr. Martin I. J. Griffin, of Philadelphia, wrote:

"At the University of Notre Dame, Notre Dame, Ind., are many MSS. of Catholic American historical value. Prof. J. F. Edwards, professor of history, has gathered them from all parts of the country."

Prof. J. P. Cushing, of Knox College, Galesburg, Ill., wrote:

"The literary remains of Newton Bateman are now in the possession of his daughter, Mrs. A. B. Ewart, Pittsburg, Kans. Dr. Bateman was for many years secretary of public instruction of the State of Illinois (he has been called the Horace Mann of the West), for many years president of Knox College, an intimate friend of Lincoln and the men of that time."

## APPENDIX II.

### CALENDAR OF THE LETTERS OF JOHN C. CALHOUN HERETO- FORE PRINTED.

The following calendar will appear so long as to create the impression, until it is examined, that much of what is most interesting in Mr. Calhoun's correspondence has already been printed. In point of fact, however, hardly more than twenty of his private and political letters have ever been published. It is so difficult to draw a strict line between the official and the private letters of a public man that the following list has been made up without regard to this distinction. Calhoun's official letters printed in the folio American State Papers and in the public documents of the Federal Government supply most of the items, though the most diligent search has been made for others. The term "letter" is used in a quite inclusive sense. The instructions given to the gentleman who did most of the work of gathering the material for it (Mr. John Pettibone, of Bristol, Conn.) were to include whatever bore the outward form of a letter. Accordingly, some of the pieces mentioned have, if examined with respect to their internal characteristics, rather the nature of reports than of letters. But these have been retained, nevertheless; for it has been thought difficult or impossible to draw an exact line for ruling them out. Readers are requested to communicate to the undersigned any references that may occur to them for other letters, especially private letters of Mr. Calhoun's, which have been printed.

J. FRANKLIN JAMESON.

- December 15, 1817. To A. K. Parris. Room needed for office. American State Papers, Miscellaneous, II, 471.
- December 16, 1817. To Gen. E. P. Gaines. Attack on Seminoles. American State Papers, Military Affairs, II, 689; and also Indian Affairs, II, 162; Niles's Register, xv, 303.
- December 22, 1817. To the President (James Monroe). Strength of the Army. American State Papers, Military Affairs, I, 669.
- December 23, 1817. To the Speaker of the House of Representatives (Henry Clay). List of brevet officers. American State Papers, Military Affairs, I, 673.
- December 26, 1817. To Gen. E. P. Gaines. Directions for course of action with Seminoles. American State Papers, Military Affairs, I, 689-690; Niles's Register, xv, 303.
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- February 5, 1845. To President Tyler. On fugitive criminals from Florida. House Doc. No. 114, 28th Cong., 2d sess., Vol. III.
- February 6, 1845. To President Tyler. Report respecting the official or diplomatic station near the Government of Texas. Senate Doc. No. 83, 28th Cong., 2d sess., Vol. III, p. 1.
- February 8, 1845. To Speaker Jones. Letter respecting alleged errors of the Sixth Census, accompanied by reports, etc. House Doc. No. 116, 28th Cong., 2d sess., Vol. III, pp. 1-3; also in Works of John C. Calhoun, v, 458-461; Niles's Register, LXVIII, 218.
- February 27, 1845. To James K. Polk. (Extract). Resignation. Tyler, Letters and Times of the Tylers, III, 158.
- March 3, 1845. To A. J. Donelson. Letter relative to the annexation of Texas, transmitting copy of joint resolutions. Senate Doc. No. 1, 29th Cong., 1st sess., Vol. I, pp. 32-34; also in Works of John C. Calhoun, v, 393-399; and Niles's Register, LXXIX, 281.
- March 3, 1845. To Speaker Jones. Report on commercial relations between the United States and foreign countries. House Doc. No. 73, 28th Cong., 2d sess., Vol. III, pp. 1-2.
- May 15, 1845. To citizens of Mobile. Reply to invitation. Niles's Register, LXVIII, 231.
- August 30, 1845. To James Buchanan. Dominican Republic and Oregon. Curtis, Life of James Buchanan, I, 576-577.
- November, 1846. To J. L. Orr and others. Mode of appointing electors for President and Vice-President. Works of John C. Calhoun, VI, 254-272.
- March 21, 1847. To Robert L. Dorr. On the right of suffrage. Niles's Register, LXXII, 148.
- June 27, 1847. To S. A. Wales. Complimentary resolutions of Whigs of Putnam County, Ga. Niles's Register, LXXII, 389.
- October 29, 1847. To Waddy Thompson. Mexican war. American Historical Review, I, 314-315.
- September 1, 1848. To the Charleston Mercury. Position on Presidential question. Niles's Register, LXXIV, 247.
- November (?), 1848. To Messrs. Orr, Sloan, and others. Proposed change as to method of choosing Presidential electors. Niles's Register, LXXIV, 329.
- February 2, 1849. To A. W. Venable. Answer to a letter on Oregon. Works of John C. Calhoun, VI, 288-289.

### APPENDIX III.

#### GUIDE TO THE ITEMS RELATING TO AMERICAN HISTORY IN THE REPORTS OF THE ENGLISH HISTORICAL MANUSCRIPTS COMMISSION AND THEIR APPENDIXES.

The Royal Commission on Historical Manuscripts was established by the Queen of Great Britain in 1869. Since then it has published fifteen reports and a large number of volumes numbered as appendixes to these reports.<sup>1</sup> By far the greater part of the matter which they have printed has consisted of calendars of historical manuscripts possessed by private persons or corporations in England, Scotland, and Ireland. Of the items thus catalogued, a very large number relate to American history. A large store of knowledge for American historical inquirers has thus been provided, but has been difficult of use because the items lie scattered through many volumes which have no general index. Therefore the Historical Manuscripts Commission established by the American Historical Association now places at the disposal of students of American history a systematic guide to the American materials contained in the long and admirable series published by its English prototype.

The search for items has extended to the end of the ninth appendix of the Fifteenth Report of the Royal Commission on Historical Manuscripts. It has been intended to embrace all items to be found in that series relating to the history of the United States and of those colonies which occupied any portion of the area now embraced in the United States, and likewise of Newfoundland, the regions embraced in the Dominion of Canada, Cuba, Porto Rico, and the Philippine Islands. The reports have been indicated by Roman numerals, the appendixes by Arabic numerals intervening between the volume number and that of the page. Thus, while III, 126, indicates page 126 of the Third Report, v, 1, 126 indicates page 126 in the first appendix to the Fifth Report. It will doubtless be advantageous for readers to know that v, 1 (Fifth Report, first appendix), is largely occupied with the papers of the Marquis of Lansdowne, consisting mainly of the papers of Lord Shelburne; and that XIV, 10 (Fourteenth Report, tenth appendix), is a volume entirely composed of the

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<sup>1</sup> The Commission has published seventeen folio volumes or parts, for while the First Report, the Second Report, and the Third Report consisted of but a single volume or part each, the Fourth, Fifth, Sixth, and Seventh reports consisted of two parts, while the Eighth and the Ninth consisted each of three parts in folio. Since then the Commission has published sixty-three octavo volumes or parts, for the Tenth Report was accompanied with six volumes of appendix; the Eleventh Report with seven; the Twelfth Report with ten; the Thirteenth Report with eight; and the Fourteenth Report with ten; while to the Fifteenth Report nine volumes of appendix have up to the present time been added. There have also been published six volumes of a Calendar of the Manuscripts of the Marquis of Salisbury, and a volume relating to Welsh manuscripts.



American papers of that Earl of Dartmouth who was Secretary of State for the colonies just before the outbreak of the Revolution. These two collections, are, naturally, exceptionally rich in American items. The volumes of the Calendar of the Manuscripts of the Marquis of Salisbury, which have not appeared as appendixes to any one of the reports, are in the following list designated as "Salisbury MSS., I," "Salisbury MSS., II," etc.

The general practice followed in the preparation of the list (a labor for most of which the Commission is indebted to Miss Gertrude S. Kimball) has been to make a separate entry of each individual item found in the British volumes. Occasionally, however, where a combination would effect much saving of space without concealing terms from the searcher, some compression has been exercised. This has usually taken place where a large number of items relating to the same subject or capable of description in the same terms bore dates closely approximating each other, usually dates falling within the same year. In such cases the searcher will find some indication of the items for which he is looking at the place where he would most naturally look for them, and it is hoped will not be misled or fail to obtain the indication which he should have.

A twofold arrangement has been adopted. Such has, indeed, seemed to be rendered necessary by the character of the material. Some items relate distinctively to one colony and would be sought for under the name of that colony. Others, relating to several colonies or having to do with the history of all the colonies in general, may most appropriately be placed in a general group. Accordingly, the first series has been made up of these general items, arranged in a chronological order. Upon this follow those series which relate to individual colonies, arranged in that conventional geographical order which has been adopted in all the publications of the Commission. It may be convenient that that order should here be indicated: Newfoundland, Canada (i. e., items relating to Canada in general, and with exception made of those which relate distinctively to Quebec), Labrador, Prince Edward Island, Nova Scotia (including Cape Breton), New Brunswick, Quebec, the territories of the Hudson Bay Company, New England, New Hampshire, Vermont, Massachusetts, and thereupon the remaining colonies in the order usually followed, Carolina preceding North Carolina and South Carolina, and Georgia being followed by Florida, East Florida, West Florida, Cuba, Porto Rico, and the Philippine Islands.

The chronological order followed, both in the general series and in the special headings of the individual colonies or provinces, has been such that items without date are placed first; next, items having the date of a single year without month or day; next, items dated only by two years between which they are said to fall; next, items which have a designation of year and month, but without day; next, items which bear a complete date. Thus, for example, items dated simply 1763 would be followed by items dated simply 1763-1766, 1763-1769, etc.; these by items dated 1763, January; these by items dated 1763, January 1, 2, 3, etc. The main body of the list, arranged in geographical and chronological order after the manner just described, is followed by an alphabetical index to the names of persons.

That all errors should have been avoided in a list made up from items often stated with extreme brevity in the published reports would be too much to expect; but it is hoped that the list as it stands may be of considerable value to students of American history, making easier for them the use of a collection of material the value of which has always been duly appreciated, but the employment of which has been attended with serious difficulties.

J. FRANKLIN JAMESON.

**GENERAL ITEMS: AMERICA.**

**I.—UNDATED**

(but placed in an order supposed to be approximately chronological).

- Papers on discoveries in America. v, 1, 244.  
 Treatise on the Inhabitants of North America. vi, 1, 680.  
 Treatises on the Indians of North America, by Mousieur Roubaud and others. vi, 1, 679.  
 Catalogue of plants and trees of North America. xiv, 10, 487.  
 Form of order disallowing plantation acts. v, 1, 226.  
 List of acts of Parliament on plantation trade. v, 1, 217.  
 Pilot's warrant in America. xi, 5, 122.  
 October 10. Thos. Wood to R. Bagot; voyage of Frobisher to Cathay. iv, 1, 341.  
 Sundrie reportes of the countrie which Sir H. Gilbert goeth to discover. Contains reports of Jacques Cartier and three Englishmen. ii, 45.  
 Commission by James I about plantations. No address. iv, 1, 302.  
 A Discourse upon our forraigne Plantations, &c., with reference to starting a West India Company. ii, 4.  
 An Abstract of the Lawes of Newe England. ii, 3.  
 Petition of Quakers to the King. xiv, 10, 294.  
 Correspondence of French Commissioners with Lord Middleton and Lord Godolphin, on a treaty of neutrality in America. v, 1, 216.  
 Blathwayt's account of our plantations in America. iv, 1, 368.  
 Robert Quarry to ———, proposal to furnish provisions in America. i, 28.  
 Proposals for coining copper for use in America. viii, 1, 78.  
 John Groesback, jr., and Duke Schuyter on state of Indian trade. v, 1, 216.  
 Papers on relief for the Palatines in the colonies. viii, 1, 59.  
 Memorial of French commissioners on the Iroquois. v, 1, 216.  
 Colony on the Ohio. xi, 5, 372.  
 Memorial of merchants trading in North America to Earl of Egremont. v, 1, 232.  
 Representation to His Majesty of plan for general concert and mutual defense for North American colonies, by the Lords for Trade and Plantations. v, 1, 215.  
 Memorial of English commissioners on several matters. v, 1, 216.  
 Observations on the cotton manufacture. v, 1, 216.  
 Lord Shelburne on cessions made by France and Spain. v, 1, 218.

- Letter on salaries of Crown officers. v, 1, 218.  
 Penalties and forfeitures for breaches of acts of trade. v, 1, 226.  
 Judges' opinions on the bill of indemnity. v, 1, 226.  
 Act for reuniting the colonies to the Crown. v, 1, 226.  
 Regulations for taking bait. v, 1, 232.  
 Opinions concerning the prohibitory act and other American subjects.  
 v, 1, 235.  
 Duty and situation of officers in the colonies. v, 1, 235.  
 List of colonial officers residing in Great Britain. v, 1, 235.  
 List of civil and naval officers in West Indies and America. v, 1, 236.  
 Considerations on America. v, 1, 251.  
 Drafts of a petition on American affairs. v, 1, 252.  
 Réflexions préliminaires sur les colonies anglaises en général. III, 132.  
 Franklin to the Earl of Shaftesbury. III, 217.  
 Reflections on the dispute with the colonies. IX, 3, 116.  
 The dispute between Great Britain and her colonies. IX, 3, 116.  
 Squib on British rights in America. XI, 5, 419.  
 Bill for the regulation of governments in America. XIV, 10, 4.  
 Memoranda of Lord Dartmouth on the colonies. XIV, 10, 484.  
 Letter of Lord Dartmouth concerning America. XIV, 10, 484.  
 Paper on emigration to America. XIV, 10, 485.  
 Paper on religion in America. XIV, 10, 485.  
 Memorial on trade with America. XIV, 10, 486.  
 Paper on American timber. XIV, 10, 487.  
 Act on proprietary governments. XIV, 10, 487.  
 Paper on quitrents in America. XIV, 10, 487.  
 List of colonial officers and salaries. XIV, 10, 488.  
 Recommendations of governors in America. XIV, 10, 488.  
 Documents illustrating the American rebellion. II, 24.  
 Inefficient conduct of the war on part of England. v, 1, 252.  
 Plan for reducing the colonies. IX, 3, 116.  
 List of Lord Howe's fleet. IX, 3, 116.  
 Remarks on commissioners' proposals. v, 1, 256.  
 An address to His Majesty on the war with America. v, 1, 256.  
 Memorandum of General Carleton. IX, 3, 117.  
 Two plans for making peace. IX, 3, 116.  
 Mr. Dunning on the American war. v, 1, 256.  
 On American independence. v, 1, 256.  
 Commerce de l'Amérique avec l'Espagne. IX, 3, 116.  
 What is fit to be done with America. IX, 3, 116.  
 Paper about America. IX, 3, 116.  
 Correspondence on the reconstitution of the two offices of Secretary of  
 State and Board of Trade and the establishment of the Colonial Office.  
 III, 145.  
 Paper on the loss of the American colonies. IX, 3, 116.  
 Paper on the Washington pedigree. XIV, 10, 488.  
 American rank of General Haldimand and Sir Guy Carleton. v, 1, 236.  
 American letters to the Marquis of Lansdowne. VI, 1, 236-242.  
 Mackenzie's Journal to the northwest coasts of America. VIII, 3, 40.

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- Memoir on commerce of United States of America and British islands and colonies, by James Leith. III, 125.  
Letter from Washington Irving. IX, 2, 492.  
Letter from James Fenimore Cooper. IX, 2, 491.

II.—DATED

- Sixteenth century. An account in Spanish of Columbus's discoveries in 1492. III, 253.  
1576, January 17. A warrant for the delivery of a ship to Sir M. Frobisher. IV, 1, 215.  
1576. Instructions to Martine Forbusher, for discovering the Northwest passage. II, 97.  
1577, January 17. Warrant for the delivery of a ship to Martin Frobisher. Salisbury MSS, II, 147.  
1577, February 15. Lord Burghley to the Lord High Admiral, on a ship for Martin Frobisher. Salisbury MSS, II, 148.  
1578, April 10. A bill of charges in the discovery of the Northwest parts. Salisbury MSS, II, 176.  
1578, April 10. The Lord Admiral's share in the expense of Frobisher's voyage. IV, 1, 217.  
1578, August 19. Receipt for the Lord Admiral's share in the third voyage for the discovery of Cathay. IV, 1, 217.  
1578, August 19. A receipt for money invested in the discovery of a Northwest passage. Salisbury MSS, II, 194.  
1578, October 10. Michael Locke to Lord Burghley on Frobisher's voyage. Salisbury MSS, II, 212.  
1582. Memorial to James VI of Scotland, concerning a family quarrel in America. VI, 1, 667.  
1582. Sir F. Walsingham to Hakluyt. IV, 1, 372.  
1584, December 19. Draft of an act confirming the Queen's patent to Sir Walter Raleigh for the discovery of foreign lands. III, 1, 5.  
1585. Drake's voyage to the West Indies. III, 183.  
1585. Voyage of Sir Francis Drake to the West Indies. VI, 1, 300, 305.  
1592. Voyage of Martin Frobisher for Sir Walter Raleigh. VI, 1, 305.  
1593. John White to R. Hakluyt. IV, 1, 372.  
1599, April 9. Sir Edwin Sandys's relation of religion in the western parts of the world. III, 215; II, 31.  
Seventeenth century. Papers relating to the plantations. III, 193.  
1603. Treatise on Drake's voyage of 1585 and on Hudson's discoveries, by Sir William Monson. III, 52.  
1610. Action by William Mower against Samuel Grosse for wages on the ship *Mayflower*. V, 1, 581.  
1619c. Two certificates of the mayor of Bristol. V, 1, 340, 341.  
1619c. A contract with Mr. Williams, of Bristol, for the hire of his ship. V, 1, 341.  
1624. Depositions touching the plantations in North America. XI, 3, 25.  
1633, April 28. Charles I to the Archbishop of Canterbury and others. A commission for making laws for the colonies. III, 213.

- 1634, December 31. Commissioners of plantations on restraint of emigration to America. XIII, 4, 196.
- 1637, June 7. Orders for lists of emigrants to America. XIII, 4, 203.
- 1646, March 21. Ordinance of the House of Lords on foreign plantations. VI, 1, 107.
- 1647, December 27. Draft order for reducing the quorum of the Committee for Plantations. VI, 1, 216.
- 1648, March 17. Draft order appointing Henry Lawrence and Mr. Westrowe members of the Committee on Plantations. VII, 1, 15.
- 1650, October 7-14. Prohibitory act on the trade between America and the West Indies. V, 1, 249.
- 1651, June. Boundaries of North America. XIII, 1, 605.
- 1651, June. Trade with North America. XIII, 1, 607.
- 1654, December 26. Gen. Wm. Penn to Captain Lightfoot, on ships trading to America. XIII, 2, 89.
- 1659-1774. Notes of American members of the Barclay family. V, 1, 632.
- 1660-1757. Acts and proceedings for the North American plantations. V, 1, 218.
- 1667, December 16. Proposition to ship malefactors to America. X, 5, 47.
- 1669, August 7. Petition for transportation to America. X, 5, 103.
- 1670, July 8-18. Treaty of Madrid, establishing peace in America between Great Britain and Spain. IV, 1, 237; V, 1, 244.
- 1670, July 30. Commission of the Council for Plantations. V, 1, 244.
- 1671, March 3. A description of America. XII, 7, 76.
- 1671, March 29. Sugar refined in America. IX, 2, 12.
- 1671, April 6. African company to supply the American plantations with negro servants. IX, 2, 9.
- 1673, September 23. Wm. Penn, asking for colonial positions. XI, 5, 23.
- 1679, May 6. J. Brisbane to H. Thynne, on a proposed treaty with France respecting the colonies. IV, 1, 244.
- 1684, September 18. Letter under the Sign Manual for the creation of a council of trade and plantations. IX, 2, 459.
- 1685-1711. Trade and plantations, revenue and customs. III, 193.
- 1685, August 3. James VII of Scotland to the committee of the privy council, on transporting prisoners to America. XV, 8, 105.
- 1687, December 1/11. Instrument for preventing acts of hostility. V, 1, 216.
- 1687, December. Sir Wm. Petty to his son, alludes to Americans. XV, 2, 181.
- 1689-1757. Complaints from the North American colonies. V, 1, 218.
- 1689-1768. Reports of the attorney and solicitor-general on plantation affairs, and kindred papers. V, 1, 228-230.
- 1689, March 8. Trade with the plantations. XII, 6, 168.
- 1689, May 16. Minute of the council on proprietary governments. V, 1, 226.
- 1690, January 11. Provisions of the Corporations Restoration bill referring to the colonies. XII, 6, 423, 427.
- 1690, January 23. Charters of the plantations considered. XII, 6, 432.
1690. Memoranda on trade and plantations. XIII, 7, 102.
- 1691, August 7. Sir Thomas Clarges to Robt. Harley on the plantations in America. XIV, 2, 471.
- 1692, February 16. The Navigation Act Suspension bill. XIV, 6, 72.

- 1697, April. Grant by the King to Lord Bellomont concerning Captain Kidd. xiv, 2, 582.
- 1697, October 21. American colonies mentioned. xii, 8, 55.
- 1699, January 30. Wm. Penn to Robt. Harley on the plantations in America. xiv, 2, 601.
- 1700, January 11. The Viscount of Seafield to Lord Annandale on trade with the English plantations. xv, 9, 115.
- 1700c. Case of the Church of England in America. xiv, 10, 2.
- 1700c. A short view of the English plantations. iv, 1, 374.
- 1702, January 25. M. Schonenberg to Secretary Vernon, possible operations in America. viii, 2, 84.
1702. Report of the Lords of Trade on the defenses of America. viii, 2, 88.
- 1703-1704. Papers relating to the Indian trade. v, 1, 227.
- 1703, November 26. Cotton Mather to the Earl of Nottingham. i, 26.
- 1703, December 6. Increase Mather to Lord ——. i, 26.
- 1704, February 9, March 3. Wm. Penn to Robt. Harley, on the government of the colonies. xv, 4, 79, 81.
- 1704, May 19. The Lords of Trade to Robt. Harley. xv, 4, 84.
- 1705, October 15. Nomination for a Commissioner of Trade and Plantations. xiii, 2, 191.
- 1705, December 29. U. Harley to E. Harley. xiii, 2, 252.
- 1706-1709. Miscellaneous letters and papers relating to the plantations. viii, 1, 48.
- 1706, June 20. Bill for the regulation of charter and proprietary governments. v, 1, 227.
- 1709-1718. Orders in Council. v, 1, 227.
1712. Lord Dartmouth to the Board of Trade and Plantations. xiv, 10, 3.
1713. Article 20 of the treaty of alliance between England and Spain. v, 1, 244.
1714. Report on the Plantations of America. xi, 4, 294.
- 1714, November 8. Letter recommending a surveyor for North America. viii, 1, 24.
- 1716c. Paper on the state of America by the Lords of Trade. viii, 2, 88.
1720. Paper on the French settlements in Louisiana. xi, 4, 296.
- 1720, July 22. W. Popple to Lord Townshend on the defense of the colonies. xi, 4, 296.
- 1721-1767. Papers relating to American revenue. v, 1, 226.
- 1721, September 8. Memorandum of colonial trade. v, 1, 215.
- 1723, March 4. George Berkeley to Lord Percival on founding a college in America. vii, 1, 241.
- 1727, April 9. The Earl of Ailesbury to the Hon. Robert Bruce, mentions a Mississippi scheme. xv, 7, 228.
- 1728, September 3. George Berkeley to Lord Percival on going to America. vii, 1, 242.
1730. Projected foundation of a colony on Lake Erie by George Lord Forbes. ii, 211.
- 1731-1733. Letter concerning the Northwest passage, with extracts from the journals of discoverers. iv, 1, 251.
1733. Journal of the House of Lords on colonial manufactures. v, 1, 227.
- 1734, February 6. Letter on the Colonies, by Thomas, E— of W—. ii, 3.

1734. Report on trade and manufactures in the colonies. xiv, 10, 5.  
 1734-1766. Papers relating to the Church in the colonies. v, 1, 227.  
 1735-1767. Papers and statistics on the trade of Europe, Africa, and America. iii, 144.  
 1738, March 31, June 13, October 24. Horatio Walpole to Robt. Trevor on American commerce. xiv, 9, 15, 18, 24.  
 1738, May 20. Insults to English ships in America. xii, 9, 196.  
 1739, March 14. The Bishop of Chichester to Francis Naylor on Spanish pretensions in America. xiv, 9, 243.  
 1740, October 3. Horatio Walpole to Robt. Trevor on the French in America. xiv, 9, 56.  
 1741-1764. Greenwich hospital charges. xiv, 10, 5.  
 1742. Orders given by General Wolfe in America. ii, 216.  
 1744-1746. Abstract of marines sent to General Wolfe. ii, 3.  
 1746, May 17. Robt. Trevor to Lord Chesterfield, on America. xiv, 9, 145.  
 1748-1789. Supplies for the British forces in America. iii, 146.  
 1748, April 7. On the rights of the Crown to the North Western Continent of America. ii, 3.  
 1749-1750. Papers on the proposed act for taking the duty off of American iron. iii, 226.  
 1750, April 12. Lord Lonsdale, on the importation of iron from America. xii, 7, 357.  
 1752, March 12. J. Tucker to Lord Townshend, on the Indians. xi, 4, 372.  
 1752, May 17. Volume on the trade and government of the American colonies, by James Abercromby. v, 1, 216.  
 1754. Plans of the Lords of Trade for the union of the colonies. v, 1, 217, 218.  
 1754. The Earl of Albemarle to Sir T. Robinson, on claims of the French and English colonists in North America. iii, 141.  
 1754-1755. Papers relating to the French upon the Ohio. xi, 7, 45.  
 1754, 1758. Remarks on New France, addressed to Marshal Belleisle. v, 1, 217.  
 1754, July. Paper on the state of the colonies of North America, and a plan for union, by the Commissioners of the Congress at Albany. v, 1, 215.  
 1754, August 21, September 2. The Earl of Albemarle to Sir T. Robinson, on death of M. de Jumonville. iii, 141.  
 1754, September 9. Scheme to drive the French out of America, by T. Cole. xi, 4, 306.  
 1754, October 23. The Earl of Albemarle to Sir T. Robinson, on the expedition of General Braddock. iii, 142.  
 1755-1759. Paper on Indian affairs. xiv, 10, 10.  
 1755, May 20. Sir Archibald Grant to Dr. Thomas Blackwell. ix, 2, 241.  
 1755, August 26. John Calcraft to Lord Digby, on Braddock's defeat. viii, 1, 226.  
 1756, January 19. Memorial by Mr. Rouillé on differences between the French and English in America. iii, 134.  
 1756, March 31. Secretary H. Fox to Colonel Webb, on two anonymous letters to the Duc de Mirepoix. xiv, 10, 7.  
 1756, April 5. Baron Knyphausen to the King of Prussia, on trade with French America. ix, 2, 228.

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- 1756, December 23. H. Digby to Lord Digby, on troops sent to America. VIII, 1, 223.
1757. Tillage in America. VIII, 1, 458.
1757. O'Conor on the climate of America. VIII, 1, 449.
- 1757-1773. Papers on the American trade. V, 1, 244, 250.
- 1757, September 26. Sir Benj. Keene to W. Pitt, on usurpations in America. X, 1, 217.
- 1757, October 15. Mr. Pitt to Lord Geo. Sackville. IX, 3, 10.
- 1757, November 6. Hon. R. Townshend to Lord Townshend, on going to America. XI, 4, 393.
- 1757, December 30. Secretary Pitt to the governors of North America. V, 1, 226.
- 1758-1764. Number of slaves sold in America. V, 1, 216.
- 1758-1781. George Washington to Mrs. Custis, Charles Pettit, and the Rev. Mr. Boucher. IX, 2, 480.
- 1758, August 24. Gen. Sir Charles Howard to Lord Carlisle on troops for America. XV, 6, 212.
- 1758, December 9. Secretary Pitt to the governors in America (2 papers). XIV, 10, 9.
- 1759, May 1-10. "Journal de l'expédition contre Quebec." II, 30.
- 1759, May 19, June 7, July 10, October 20. Richard Cox to Lord Harrington. X, 1, 314-316, 320.
- 1759, June 5. Lord Holderness to Lord Sackville. IX, 3, 79.
- 1759, September. General Wolfe's orders, and a plan of the battle of Quebec. III, 124.
- 1759, September 7. Hester Pitt to Lady Cathcart. II, 24.
- 1760, June 17. Lord Holderness to the Marquess of Granby. XII, 5, 217.
- 1760, August 22. Viscount Barrington to the Marquess of Granby. XII, 5, 355.
- 1760, August 26. Viscount Ligonier to the Marquess of Granby. XII, 5, 356.
- 1760, December 16. Viscount Barrington to the Marquess of Granby, on the purchase of a company in North America. XII, 5, 235.
- 1760, December 17. Royal warrant for settling rank and precedence in America. XIV, 10, 11.
1761. Letters from France on Louisiana. III, 222.
- 1761-1763. Papers on the peace of 1763. II, 2.
- 1761-1763. Observations and discourses on North America. V, 1, 217.
1762. Essay on the Board to America, by Henry McCulloch. VI, 1, 310.
- 1762-1767. Papers relating to the Western Territory. V, 1, 216-219, 225, 227, 233.
- 1762, February 25. C. Townsend to Lord Rollo. III, 407.
- 1762, September 7. Lord Egremont to the Duke of Bedford, on the preliminaries of the Peace of Paris. III, 132.
- 1762, September 12. Letter on difficulties with Spain as to the navigation of the Mississippi. III, 132.
- 1762, September 19. Articles of Treaty of Paris on the limits of Louisiana; on the limits of Canada. III, 132.
- 1762, September 24, October 19. Lord Bedford to Lord Egremont, on navigation of the Mississippi. X, 1, 223, 224.
- 1762, September 25. W. G. Hamilton to E. S. Pery, on Pitt's plan for peace with America. VIII, 1, 189.



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- Letters from Lord Egremont to the Board of trade. v, 1, 217.  
 Papers on the Courts of Admiralty in America. v, 1, 217.  
 Two reports of the Lords of Trade on the peace of 1763. v, 1, 217-218.  
 Letters of Lord Egremont to the Board of Trade, on North America, E. and W. Florida. v, 1, 231.  
 Account of pig iron from America. v, 1, 217.  
 Papers relating to a naval force on the lakes. v, 1, 217.  
 Sir William Johnson to Mr. Secretary Conway, on settling a colony at Illinois. v, 1, 216.  
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